

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 FOR THE COUNTY OF YAVAPAI

2012 FEB -7 AM 9:24 ✓

SANDRA K. PARKHAM, CLERK

BY: Jacqueline Marshman

STATE OF ARIZONA,)

Plaintiff,)

vs.)

JAMES ARTHUR RAY,)

Defendant.)

Case No. V1300CR201080049

Court of Appeals

Case No. 1 CA-CR 11-0895

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE WARREN R. DARROW

TRIAL DAY TWENTY-TWO

MARCH 25, 2011

Camp Verde, Arizona

(Partial transcript.)

ORIGINAL

REPORTED BY
 MINA G. HUNT
 AZ CR NO. 50619
 CA CSR NO. 8335

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 FOR THE COUNTY OF YAVAPAI
3
4 STATE OF ARIZONA,)
5 Plaintiff,)
6 vs) Case No V1300CR201080049
7 JAMES ARTHUR RAY,) Court of Appeals
8) Case No 1 CA-CR 11-0895
9 Defendant)

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1 Proceedings had before the Honorable
2 WARREN R. DARROW, Judge, taken on Friday, March 25,
3 2011, at Yavapai County Superior Court, Division
4 Pro Tem B, 2840 North Commonwealth Drive,
5 Camp Verde, Arizona, before Mina G Hunt, Certified
6 Reporter within and for the State of Arizona.

7
8
9 (This transcript is the complete
10 proceedings of Trial Day Twenty-two, March 25,
11 2011, with the exception of sealed proceedings.)

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PROCEEDINGS

(Partial transcript.)

THE COURT: Record will show the presence of the defendant, Mr. Ray. He's represented by Mr. Kelly, Mr. Li, and Ms. Do. The state is represented by Ms. Polk and Mr. Hughes.

The jury is present.

The witness, Mr. Barratt, has returned to the stand. He has previously been sworn.

Mr. Kelly, you may continue.

MR. KELLY: Thank you, Judge.

CROSS-EXAMINATION (Continued)

BY MR. KELLY:

Q. How are you doing this morning?

A. Fine, sir.

Q. I saw you on TV this morning.

MS. POLK: Your Honor, objection, relevance.

THE COURT: Sustained.

Go ahead, Mr. Kelly.

MR. KELLY: Judge, it was just a friendly --

THE COURT: Please just ask a question.

THE WITNESS: I was in the shower this morning. Be a little embarrassing.

Q. BY MR. KELLY: You had mentioned yesterday that when you were a boy, you were a

cowboy?

A. Yes.

Q. The TV this morning identified you as a cowboy. Did you know that?

A. **You're trying to trick me into thinking I was watching TV. I didn't see it.**

Q. My point is, despite all those other accomplishments that you've described yesterday, the media has identified the cowboy as the most important attribute.

MS. POLK: Your Honor, objection.

THE COURT: Sustained.

Mr. Kelly, please ask a question.

Q. BY MR. KELLY: We talked yesterday about your accomplishments. Do you recall that, sir, that discussion between you and I?

A. **We talked about things I'd done in the past. Yes.**

Q. And how those things required you to make choices; correct?

A. Yes.

Q. And how some of those occupations and professions and endeavors were high risk; correct?

A. Yes.

Q. You mentioned that on direct examination

that after the sweat lodge, you felt like you'd run a hundred miles. Do you recall that?

A. Yes.

Q. I was going to ask you, have you ever ran a 10K marathon, anything of that nature?

A. No.

Q. But in the military I suppose you ran quite a bit --

A. Yes.

Q. -- in boot camp?

A. Yes.

Q. So you know what it feels like to run a great distance, a long distance, and being exhausted as a result of that?

A. **I know what it feels like to be exhausted.**

Q. When you're running, you understand it's necessary to overcome the desire to stop running?

A. Yes.

Q. And the longer the distance or the faster you run, sometimes the more difficult that is; correct?

A. Yes.

Q. If you're competing, you may push yourself to a limit that's even beyond what you

would do if there is no competition; correct?

A. Yes.

Q. And I believe you told us that if you're attempting to accomplish a goal, that you may push yourself even further because of the desire to accomplish that particular goal; correct?

A. **I'd say generally correct. Yes.**

Q. If I can run a mile, my best time is -- not my best time. If a runner's best time was six and a half minutes, even though he's not in a race, if his goal is to run it in six minutes and 20 seconds, he's going to be pushing through those signals that his body is sending in order to achieve that personal goal; correct?

A. Correct.

Q. When you were describing being in the sweat lodge, that's, essentially, what you were trying to do; correct?

A. **Well, this is the first experience I've ever done something like that. So I'd say correct, that I was trying to hang in there and get through what was going on.**

Q. And my point, Mr. Barratt, is you could have simply left; correct?

A. **Yes. It was clear to us we could get up**

1 **and leave during the intermission.**

2 Q. You told us about Elsa and how she did
3 not even enter the sweat lodge yesterday; correct?

4 A. **Correct.**

5 Q. And, I take it from Elsa's comment, that
6 Mr. Ray in his presweat lodge presentation gave a
7 very good description of what was going to happen.

8 A. **Yes.**

9 Q. I believe he used words like it's
10 "hellacious." "Hot." It's hot, hot, hotter than
11 anything you've ever experienced; correct?

12 A. **Yes.**

13 Q. That was, in fact, a good description as
14 to what was to follow after the presentation --
15 after the presentation. Fair statement?

16 A. **Yes.**

17 Q. And as a result of that, Elsa said, I'm
18 not going to do it, exercised free choice and left;
19 correct?

20 A. **Yes.**

21 Q. Now, you told us that you were not --

22 MS. POLK: Your Honor, the state has no
23 objection to the admission of exhibits 162 and 163.

24 THE COURT: 162 and 163 are admitted.
25 (Exhibits 162 and 163 admitted.)

10

1 MR. KELLY: May I approach the witness, Judge?

2 THE COURT: Yes.

3 Q. BY MR. KELLY: Mr. Barratt, I'm going to
4 hand you Exhibits 162 and 163. My guess is that
5 you haven't seen those documents since October
6 of 2009. Is that correct?

7 A. **These look like statements I signed in**
8 **that time period. Yes.**

9 MR. KELLY: Maybe if we could start with
10 Exhibit 162.

11 If we could publish, Judge?

12 THE COURT: You may.

13 MR. KELLY: Maybe Ms. Do can help me.

14 If we can highlight the middle of the
15 second paragraph.

16 Q. Mr. Barratt, I don't know if it's easier
17 for you to read up there or the document in front
18 of you that's identical. You remember, and I think
19 you even said, that when you arrived at the
20 Spiritual Warrior seminar, you signed a release
21 form; correct?

22 A. **Either upon arrival. I believe we signed**
23 **them prior to arrival. I think that was the**
24 **condition. But either way, I did sign it prior to**
25 **participating.**

1 Q. And I realize that you may not have read
2 it closely. However, you would agree with me that
3 the release did advise you there was going to be a
4 sweat lodge ceremony identified or described as a
5 commercial -- excuse me -- a ceremonial sauna
6 involving tight and closed spaces and intense
7 temperatures? Do you see that on Exhibit 162?

8 A. **I can see it better there better than I**
9 **can see it here.**

10 Q. Exhibit 162 is the release you signed.
11 And that's what it says; correct?

12 A. **Yes.**

13 Q. Now, apparently you didn't read it in
14 detail, because you told the jury yesterday the
15 first idea you had that there was going to be a
16 sweat lodge was a couple hours before; correct?

17 A. **Yes, I did.**

18 Q. I don't know if you're aware of this,
19 Mr. Barratt, or not either, but were you aware that
20 all the group presentations were audio recorded by
21 James Ray International?

22 A. **I do remember there is a camera in the**
23 **back of the room.**

24 Q. And one of the very first things that
25 Mr. Ray said to you as a group on October 4, 2009,

12

1 in the first paragraph, you need to make sure you
2 stay hydrated because if you get dehydrated, then
3 you're not going to feel good, and you've got a
4 big, big week ahead of you.

5 Do you recall that?

6 A. **Yes.**

7 Q. You knew, and I believe you explained to
8 the jury yesterday, that had you known there was
9 going to be a sweat lodge, you probably would have
10 hydrated more; correct?

11 A. **Yes.**

12 Q. But you did tell us that you were told
13 repeatedly to hydrate throughout the week; correct?

14 A. **It was very clear we needed to hydrate**
15 **through the entire session.**

16 Q. The little backpack they gave you had a
17 water bottle in it; correct?

18 A. **In our room we had a salt pack and a**
19 **backpack and we had a water bottle. The facilities**
20 **were there for us to hydrate very clearly. Yes.**

21 Q. And I believe you told us that you
22 shared -- right before the Vision Quest, you shared
23 some of your water with Kirby Brown. Correct?

24 A. **Yes.**

25 Q. Approximately one quarter of what you had

1 available?
 2 A. Yes.
 3 Q. And you didn't personally know Kirby;
 4 correct?
 5 A. No.
 6 Q. But you had some interaction at that
 7 point in time; correct?
 8 A. Yes.
 9 Q. So you were able to get a look at her;
 10 right?
 11 A. Yes.
 12 Q. And you knew that she was younger than
 13 you; correct?
 14 A. Yes.
 15 Q. Appeared to be in good shape?
 16 A. Yes.
 17 Q. And you shared some water with her;
 18 correct?
 19 A. Yes.
 20 Q. There was no conversation, I understand?
 21 A. **We were under the code of silence at that**
 22 **point.**
 23 Q. And, for the record, because this lady is
 24 taking down every word, but there is not a picture
 25 of you. How tall are you?

1 A. **Six-five, 230.**
 2 Q. And would you describe yourself in pretty
 3 good shape?
 4 A. **Well, I would until I saw that picture**
 5 **the other day. But I'm working on it.**
 6 Q. So you're 62 years old, I think; correct?
 7 A. **I don't know if you have to say that.**
 8 **But yes. I was born 1948.**
 9 Q. And you, for your age, are in very good
 10 shape?
 11 A. **I would say for my age group, yes.**
 12 Q. Now, that physical fitness of the
 13 participants, like you and Kirby and some others,
 14 was not true for all participants; correct?
 15 A. **Correct.**
 16 Q. Some people appeared to you, based on
 17 your life experience, to be somewhat out of shape;
 18 correct?
 19 A. **Well, I try not to be judgmental. But**
 20 **some of them could have done better with**
 21 **themselves, I think.**
 22 Q. When you got back from the Vision Quest,
 23 you're in a code of silence. You were playing full
 24 on. So you were attempting to accomplish as much
 25 as possible throughout the seminar; correct?

1 A. **Yes.**
 2 Q. So you maintained the code of silence as
 3 directed; correct?
 4 A. **Yes.**
 5 Q. And after the Vision Quest, you as a
 6 group went to breakfast; correct?
 7 A. **Yes.**
 8 Q. And you ate lightly because you thought
 9 this might be a good time to begin a weight loss
 10 program?
 11 A. **Correct.**
 12 Q. Water was available, food was available;
 13 correct?
 14 A. **Yes.**
 15 Q. And then you go to the presweat lodge
 16 presentation put on by Mr. Ray. And you begin, I
 17 take it, to hydrate fairly heavily at that point?
 18 A. **Yes.**
 19 Q. There is a break between the presweat
 20 lodge ceremony itself, and you go to your room to
 21 change clothes. You recall that?
 22 A. **Correct.**
 23 Q. You had water with you?
 24 A. **Yes.**
 25 Q. And you drank water?

1 A. **Yes.**
 2 Q. Then you enter the sweat lodge.
 3 And I believe we have Exhibit 144. You
 4 told us yesterday you believe that you're probably
 5 the person in the black shorts; right?
 6 A. **Yes.**
 7 Q. And Bill was behind you in the red
 8 shorts?
 9 A. **Correct.**
 10 Q. And when you said "shaved heads," this is
 11 the type of haircut you were describing; correct?
 12 A. **Yes.**
 13 Q. If we go back on the photograph, some of
 14 these women, like this lady here, her hair was not
 15 cut as short as yours; correct?
 16 A. **Correct.**
 17 Q. So -- and my point is simply this,
 18 Mr. Barratt: That's kind of a term of art, "shave
 19 my head." If I had hair down to the middle of my
 20 back and I cut it, you know, to my shoulders, that
 21 could be a real challenge for me; correct?
 22 A. **I suppose.**
 23 Q. But if you had hair like mine now and
 24 said shave your head, sure. Not much of a
 25 challenge?

1 **A. That would be a no-brainer. After being**
 2 **in the military, just another day. Comes back.**
 3 **Q.** My point is that's a term of art. They
 4 were actually haircuts; correct?
 5 **A. Well, I think most of the men had their**
 6 **head shaved. And I think they gave a little bit of**
 7 **leniency to the women. There was a couple that had**
 8 **their head what I'd call "shaved." The majority of**
 9 **them were haircuts.**

10 MR. KELLY: May I have just a moment?

11 THE COURT: Yes.

12 MR. KELLY: If we could publish 143.

13 May I approach the witness, Judge?

14 THE COURT: Yes.

15 **Q.** BY MR. KELLY: Mr. Barratt, if the actual
 16 photograph or if the overhead shows it better --
 17 I'm not sure -- but do you see this lady right here
 18 where the laser pointer is on 143?

19 **A. Yes.**

20 **Q.** Did you meet a lady by the name of Linda
 21 Andresano during the event?

22 **A. I probably did. I tried to make a point**
 23 **to meet everyone and circulate a little bit.**

24 **Q.** Let me rephrase my question. Do you
 25 recognize -- it's blown up now on the screen for

1 the jury. I believe you're looking at the same
 2 woman. Do you recognize that lady?

3 **A. I believe she's the one that I pulled**
 4 **out. Whether I had any actual conversations with**
 5 **her, I don't recall.**

6 **Q.** Okay. And that's my point. You
 7 described yesterday helping a woman inside the
 8 sweat lodge. And you believe it's the woman that
 9 we've highlighted with the blue dress on before
 10 entering the sweat lodge; correct?

11 **A. That looks similar to the woman I pulled**
 12 **out. Yes.**

13 **Q.** My point is she's a rather heavyset lady;
 14 correct?

15 **A. You said that. Yes.**

16 **Q.** And you're a pretty big guy. And you
 17 described yesterday the difficulty in helping her
 18 get out of the sweat lodge. You recall that;
 19 correct?

20 **A. Yes.**

21 **Q.** There is no way that you would have
 22 mistaken this lady that you were helping with Kirby
 23 Brown. Fair statement? I mean, is that a fair
 24 statement?

25 **A. That's a fair statement.**

1 **Q.** Because of these physical differences
 2 between these two ladies, whether it was dark,
 3 whatever level of consciousness that you were
 4 experiencing at the time, clearly you were helping
 5 a woman other than Kirby Brown?

6 **A. Yes.**

7 **Q.** Now, you mentioned that during the first
 8 round, as you're in this event or exercise, it took
 9 a lot of will power to overcome claustrophobia;
 10 correct?

11 **A. Yes.**

12 **Q.** You believe -- or you told us that you
 13 believe some other folks probably were suffering
 14 from the same problem? They did not like the tight
 15 and closed spaces; correct?

16 **A. Correct.**

17 **Q.** As a result of -- you, I believe, told us
 18 you directed your attention away from yourself to
 19 some other lady that was equally -- or, your
 20 opinion, was equally having a problem with a
 21 claustrophobic atmosphere; correct?

22 **A. Yes.**

23 **Q.** You kind of got through that, and then
 24 you began to notice that it was becoming extremely
 25 hot; correct?

1 **A. Yes.**

2 **Q.** And by the fourth round, based on your
 3 life experience and your medical training, you
 4 believed your core temperature was starting to go
 5 up?

6 **A. Yes.**

7 **Q.** You told us that you had suffered from
 8 heat exhaustion on a previous occasion; correct?

9 **A. Yes.**

10 **Q.** Now, obviously, you knew that you had
 11 suffered from heat exhaustion during the time that
 12 Mr. Ray was making the presweat lodge presentation;
 13 correct?

14 **A. Yes.**

15 **Q.** So you must have thought about that?

16 **A. No. I didn't correlate the two.**

17 **Q.** Is it your understanding that once you
 18 suffer from heat exhaustion, you may become more
 19 prone to heat for the rest of your life?

20 **A. I'm not aware of that. No.**

21 **Q.** Are you telling us that as a result of
 22 the previous experience of heat exhaustion, when
 23 you were in the sweat lodge, that's how you
 24 recognized that your body core temperature was
 25 going up?

1 **A. No. I think, again, the thing that**
 2 **struck me the most was the extreme temperature of**
 3 **my breath as I exhaled on my arms. It was**
 4 **unbelievably hot, and that's what made me think my**
 5 **core temperature must be getting extremely hot**
 6 **also.**

7 **Q.** Taking you back to the presentation
 8 before the sweat lodge, do you recall Mr. Ray
 9 telling you that it's cooler if you get down low?

10 **A. Yes.**

11 **Q.** And you saw some people, as these rounds
 12 are progressing, that would go from the sitting-up
 13 position to lying down; correct?

14 **A. Yes.**

15 **Q.** And you, I think, told us yesterday that
 16 you said, I'm not going to lie down? I am going to
 17 remain seated?

18 **A. Actually, I did lie down. And then after**
 19 **I got a little bit of relief, I did sit back up,**
 20 **thinking that's the way to play the game or**
 21 **participate.**

22 **Q.** I was going to say -- correct me if I'm
 23 wrong -- but that's because you were exercising the
 24 free choice in making the decision that you were
 25 going to play what you call "full out" and receive

1 the most from this activity as possible; correct?

2 **A. Yes.**

3 **Q.** The maximum benefit, so to speak?

4 **A. Correct.**

5 **Q.** And when you sat back up, it was hotter;
 6 correct?

7 **A. Yes.**

8 **Q.** Do you recall in the presweat lodge
 9 session that Mr. Ray also instructed everyone when
 10 to get out and how to get out?

11 **A. Correct.**

12 **Q.** And he made a statement that it's dark in
 13 there. Be careful of the hot rocks in the middle.
 14 And if you leave, watch out for arms and elbows and
 15 knees. Something to that effect.

16 Do you recall that?

17 **A. Not stated that way. I don't think he**
 18 **dwelled on people leaving. He just was -- there**
 19 **are hot rocks. I mean, they are obviously glowing**
 20 **red hot. Obvious to stay away from them.**

21 **Q.** Of course, it's been a year and a half.
 22 You've never had a chance to review the audiotape
 23 from the presweat lodge session; correct?

24 **A. No.**

25 **Q.** So, in general terms, you recall Mr. Ray

1 instructing people on how to get out; correct?

2 **A. Yes.**

3 **Q.** And to leave when the flap was open;
 4 correct?

5 **A. If you decide you couldn't take it any**
 6 **longer, when the flap was open, that would be the**
 7 **time to exit. Yes.**

8 **Q.** And be careful of the hot rocks in the
 9 middle; correct?

10 **A. I would say yes.**

11 **MR. KELLY:** If we could publish 520. Maybe
 12 blow up the pit.

13 **Q.** First of all, Mr. Barratt, 520 is a
 14 photograph of the sweat lodge after the event. You
 15 know that -- right? -- because the back flap is
 16 open; correct?

17 **A. Yes.**

18 **Q.** What I'm pointing out is these are the
 19 rocks that were hot during the ceremony in the
 20 middle; correct?

21 **A. Correct.**

22 **Q.** It is this pit that Mr. Ray said due
 23 to -- or excuse me. You said Mr. Ray, due to some
 24 considerable effort, would put rocks and water in
 25 the center of the sweat lodge; correct?

1 **A. Yes.**

2 **Q.** And I think you told us that if this guy
 3 could do it, that kind of gave you more incentive
 4 for you to make it through the sweat lodge because
 5 he had to expend that energy to conduct the
 6 ceremony; correct?

7 **A. Yes.**

8 **Q.** That included chanting; correct?

9 **A. Yes.**

10 **Q.** Putting the water on the rocks; correct?

11 **A. Yes.**

12 **Q.** And do you know whether he actually put
 13 the rocks in the middle?

14 **A. He did not.**

15 **Q.** So water and the chanting. And he seemed
 16 to be able to endure that environment. And that
 17 gave you a little bit of motivation to stay in
 18 there as well; correct?

19 **A. Yes.**

20 **Q.** Now, you told us that consistent with the
 21 instructions given prior to the sweat lodge,
 22 someone got up to leave about the fifth round in
 23 front of you -- some other man?

24 **A. Yes.**

25 **Q.** And you just instinctively followed him;

1 correct?

2 **A. Yes.**

3 **Q.** You get outside and you realize that the
4 thing's not over, so you go back inside; correct?

5 **A. Yes.**

6 **Q.** You can't tell us exactly how long you
7 were out there, whether it was an immediate
8 turnaround in the same round or whether a round had
9 passed; correct?

10 **A. Right.**

11 **Q.** But you did go back in?

12 **A. Yes.**

13 **Q.** And, again, you were exercising that free
14 choice in making this decision for yourself;
15 correct?

16 **A. There is no doubt about this. The whole**
17 **event was my free choice.**

18 **Q.** And another thing that there is no doubt
19 about is at no time did you see Mr. Ray force
20 somebody else into the sweat lodge; correct?

21 **A. Absolutely not. No.**

22 **Q.** Put their arm in a headlock, push them in
23 the door, hold them down when they're trying to get
24 out, anything like that. Is that correct?

25 **A. Yes.**

1 **Q.** When you go back in then, is that when --
2 the lady that's in 143 -- is that when she's lying
3 in a position near the pit with her head towards
4 the pit and her feet towards the exterior of the
5 sweat lodge?

6 **A. Yes. It appears that would be the same**
7 **woman there that was inside. And that's the way I**
8 **saw her position she was in. Yes.**

9 **Q.** But that's when you went back in the
10 second time you noticed that?

11 **A. Correct.**

12 **Q.** You didn't notice that until that point
13 in time; correct? You did not notice her until
14 that point in time?

15 **A. When I exited the first time -- when I**
16 **first exited, I did not notice her. It was dark.**
17 **The man in front of me got up and left, and I just**
18 **instinctively followed right behind him. I didn't**
19 **look around. And so I did not notice her until I**
20 **came back in.**

21 **Q.** And I believe you clarified this on
22 direct. When you came back in and she's lying
23 there, Mr. Ray said to you, Scott -- and I'm
24 paraphrasing. But it's something like, Scott, be
25 careful? You're getting close to the rocks?

1 **A. No. He told me to stop and go back and**
2 **sit down because I was getting too close to the**
3 **rocks or the pit.**

4 **Q.** Thank you for clarifying.

5 Mr. Ray was apparently speaking directly
6 to -- well, you knew he was speaking to you because
7 he used your name; correct?

8 **A. He used my name.**

9 **Q.** He said you're getting too close to those
10 rocks we looked at; correct?

11 **A. Yes.**

12 **Q.** So go back and sit down towards the
13 exterior; correct?

14 **A. Yes.**

15 **Q.** I believe you said in response to one of
16 the prosecutor's questions that he could see this
17 lady. And what I want to clarify is, of course,
18 you don't have any personal knowledge of that;
19 correct?

20 **A. Yes, I do.**

21 **Q.** Well, you don't know what's in Mr. Ray's
22 mind as to what he's actually seeing, is my point?

23 **A. No. I just told you what I heard him**
24 **say.**

25 **Q.** Exactly. And I just want to clarify --

1 **A. I don't know what is in his mind, but I**
2 **know what he said.**

3 **Q.** Right. And you're right next to the
4 lady, so you're assuming that he can see both
5 people?

6 **A. Yes.**

7 **Q.** But you don't know actually what he's
8 seeing; correct?

9 **A. Actually what?**

10 **Q.** What Mr. Ray can see.

11 **A. No. I don't know what he can see.**

12 **Q.** And I believe you told us, Mr. Barratt,
13 then for the remainder of the sweat lodge, you
14 really don't have a specific recollection as to
15 particular statements made by folks inside.
16 Correct?

17 **A. No.**

18 **Q.** You don't have any recollection, a
19 specific recollection, of specific statements made
20 prior to trying to help this lady; correct?

21 **A. No.**

22 **Q.** You told us that your opinion is that
23 this lady was unconscious when you were trying to
24 help her; correct?

25 **A. Yes.**

1 Q. But, again, you have had medical
2 training, but you're not providing a medical
3 opinion as it relates to unconscious; correct?

4 A. I didn't examine her in any way. She
5 could have been asleep, unconscious, snoozing. I
6 don't know. I would say she was -- my opinion, I
7 would say she was unconscious. Virtually no
8 movement.

9 Q. And what you did determine is, in your
10 belief, that she needed help; correct?

11 A. I think anytime you find somebody laying
12 on the ground not moving, they're either drunk,
13 unconscious, or been hit by a bus. Either way they
14 need help.

15 Q. So you thought she needed some help, and
16 you started to try to help her?

17 A. Well, James first told somebody -- called
18 someone by name and said, move her back.

19 And he said, I cannot. She's laying on
20 my leg.

21 At that point I got up to go over and
22 help him move her. And that was when -- again, I
23 was not able to do much.

24 And at that point James also said, Scott,
25 stop. You're too close to the pit. Go back and

30

1 sit down.

2 Q. Do you know where Mike Olesen was during
3 this time period in the sweat lodge?

4 A. No.

5 Q. No one said in the sweat lodge at that
6 point in time, James, stop. This lady needs help.
7 Correct?

8 A. No.

9 Q. I mean, that is correct; right?

10 A. Yes.

11 Q. Did you throughout the sweat lodge notice
12 anyone going out the back of the sweat lodge?

13 A. To my knowledge, at no time did anyone go
14 out the back of the sweat lodge.

15 Q. At some point in time did you see the
16 back of the sweat lodge lifted up?

17 A. Yes.

18 Q. And did that let light into the sweat
19 lodge then? Is that how you knew that?

20 A. A little bit. Yes.

21 Q. Throughout the sweat lodge did you notice
22 light when people would lift up the edge of the
23 tarp to get fresh air?

24 A. Yes.

25 Q. And, of course, you noticed light when

1 the flap was open between rounds; correct?

2 A. Yes.

3 Q. My understanding is the flap, if you
4 recall, Mr. Barratt, might have been open for as
5 much as five, six, seven minutes between rounds.

6 A. Probably, yes.

7 Q. And when that happened, could you feel
8 the air coming into the sweat lodge?

9 A. No.

10 Q. When -- one thing I didn't cover with
11 you, when you were trying to help this lady, was
12 she on the opposite side of the pit from you and
13 James Ray?

14 A. She was diagonally straight across from
15 him, but she was off to my left.

16 Q. So James, the pit, the lady, you?

17 A. Yes.

18 Q. And when you were trying to help her, was
19 the flap open or closed?

20 A. At that point the flap was still open.

21 Q. After -- you described what your
22 recollection is after the sweat lodge is over. And
23 if I recall correctly, you mentioned that you got
24 into a golf cart, went back to your room; correct?

25 A. Got in a golf cart. They took me up and

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1 delivered me to the shower room. I took a shower
2 and then I went back to my tent.

3 Q. And no one from James Ray International
4 or Angel Valley helped you get from the shower to
5 your tent; correct?

6 A. No.

7 Q. And you knew throughout the course of
8 this event that the event was sponsored by James
9 Ray International; correct?

10 A. Yes.

11 Q. That's where your check was written;
12 correct?

13 A. Yes.

14 Q. That's where the participant guide --
15 which I think is 736 in evidence. You received a
16 copy of the participant guide; correct?

17 A. I definitely received a guide. And this
18 looks like a copy of it. Yes.

19 Q. I think what we've heard is you were
20 supposed to go on line, download it, and print it
21 out several months before the event. Correct?

22 A. I believe I did do that.

23 Q. The participant guide has a copy of the
24 two releases on the last two pages; correct?

25 A. Perhaps maybe I should clarify for the

1 jury that you mentioned earlier. I did say that I
2 was not aware of the sweat lodge event. But I did
3 sign that statement that you had up there. And I
4 guess I skipped over it or I didn't remember it.
5 It's the fifth one I've signed. I probably didn't
6 even read it. I just signed it. But anyway.

7 Q. Mr. Barratt, we've heard evidence from
8 folks that have read it and evidence from folks
9 that haven't. I was just pointing out that, in
10 fact, notice was provided. Right?

11 A. Yeah. I signed a statement knowing I was
12 fully responsible for the outcome.

13 Q. My point is, here you are at the shower
14 and nobody is helping you get back to your tent;
15 correct?

16 A. Yes.

17 Q. And that includes no one from James Ray
18 International; correct?

19 A. Yes.

20 Q. And no one from Angel Valley; correct?

21 A. Correct.

22 Q. And did you have to right two checks, one
23 for James Ray International and one to Angel Valley
24 for the facilities, if you recall?

25 A. I believe that's the way it was handled.

1 Yes.

2 Q. And you knew that James Ray International
3 did not own the facility. The entity called "Angel
4 Valley" did; correct?

5 A. I don't know that I gave that much
6 consideration. But I would say that would be a
7 fair assumption.

8 Q. So you were asked a question -- I believe
9 you were asked a question, did James Ray take you
10 to your tent? Between the beginning of this
11 seminar until the end when you left, the only
12 contact you had with James Ray was during the
13 speaking portions of the seminars or the
14 presentations we talked about; correct? And the
15 sweat lodge, of course.

16 A. Any contact I had personally with him?

17 Q. Yes.

18 A. Well, I was attending seminars all week.
19 I guess I'm not following your point. I don't see
20 where we're going, to be honest with you.

21 Q. I believe the prosecutor said, did James
22 Ray come give you a ride back to your tent? And my
23 point is --

24 A. I don't remember her saying that or
25 making the statement. But one of his employees

1 and/or an Angel Valley employee, somebody, was
2 driving the golf cart. They assisted me onto and
3 drove me up and delivered me to the bath house.

4 Q. Exactly. I'm not trying to misstate the
5 evidence. But if -- throughout the course of the
6 event itself, the only time that you saw James Ray
7 was during the -- in the halls during the
8 presentations, the speaking portions, the breathing
9 portions, the Samurai Game and sweat lodge;
10 correct?

11 A. He was generally around. In between
12 sessions I'm sure he was preparing for the next
13 session. But, I mean, he was generally around and
14 in the area. He was seen.

15 Q. If you needed something, you went to a
16 James Ray employee or a Dream Team member or
17 someone from Angel Valley; correct?

18 A. Yes.

19 Q. After you go back to your room after
20 taking that shower, I think you told us you went
21 right into bed, tried to warm up because you had
22 gone from the shower to the tent with only a towel
23 on; correct?

24 A. Yes.

25 Q. Then after you warmed up, you went back

1 to the dining hall?

2 A. Yes.

3 Q. And did you tell us that at one point in
4 time when you're in your tent, a Yavapai County
5 Sheriff's Office deputy looked in, spoke to you and
6 then left?

7 A. Yes.

8 Q. And that person didn't check on your
9 condition; correct?

10 A. No.

11 Q. When you go back to the hall, the dining
12 hall, do you see deputies there interviewing folks?

13 A. Yes.

14 Q. And you were never interviewed?

15 A. No.

16 Q. At that time? I think you were later --
17 correct? -- by telephone?

18 A. Yes. Via telephone later on.

19 Q. Looks like October 23rd. Does that sound
20 about right?

21 A. Yes.

22 Q. But on that day, October 8, you were
23 never interviewed?

24 A. That night, no.

25 Q. Why is that, if you know?

1 **A. Well, I was still having a rough time.**
 2 **It was -- time was dragging on. I was exhausted.**
 3 **And, quite frankly, I just kind of snuck out and**
 4 **went back down to my tent. Figured they'd catch up**
 5 **with me in the morning.**

6 **I came up for breakfast the next morning.**
 7 **There was no detectives there. I had breakfast. I**
 8 **think there was a James Ray person there gave us a**
 9 **little debriefing, whatever information they had,**
 10 **and packed up our stuff and left.**

11 **Q. Were you in the dining hall when EMS**
 12 **personnel came in?**

13 **A. There was several public people coming**
 14 **and going. There might have been an EMS person**
 15 **there.**

16 **Q. My question --**

17 **A. There was some people in uniform, some**
 18 **not in uniform, that were in some official**
 19 **capacity.**

20 **Q. My question is, did you hear anyone say,**
 21 **it's organophosphates? People need to go get**
 22 **checked out in the hospital?**

23 **MS. POLK: Objection, Your Honor. Assumes**
 24 **facts not in evidence and misstates from that**
 25 **transcript that was offered during opening.**

1 **THE COURT: Overruled.**

2 **You may answer that, if you can,**
 3 **Mr. Barratt.**

4 **THE WITNESS: You better ask that question**
 5 **again.**

6 **Q. BY MR. KELLY: My question is, did you**
 7 **hear anyone say it's organophosphates in the dining**
 8 **hall from an EMS provider?**

9 **A. Organophosphates in the dining hall? I**
 10 **would say no. I have no idea what you're talking**
 11 **about. I don't know where you're going with this**
 12 **either.**

13 **Q. Well, I'm not trying to go anywhere. I'm**
 14 **just simply asking you a question.**

15 **You're in this dining hall. There is a**
 16 **bunch of people there; correct?**

17 **A. Yes.**

18 **Q. Some of them are sheriff's deputies?**

19 **A. Yes.**

20 **Q. Some are EMS?**

21 **A. Yes.**

22 **Q. My question is, did you hear one of the**
 23 **EMS people say it's organophosphates? You would**
 24 **remember that word; correct?**

25 **A. I probably would if it was made a point.**

1 **But no. I did not hear anybody make a statement**
 2 **like that.**

3 **Q. Did anyone encourage you to go to the**
 4 **hospital?**

5 **A. No.**

6 **Q. And I take it, then, that this -- when**
 7 **the sheriff's deputies are in the dining hall that**
 8 **evening, they are conducting interviews. You can**
 9 **see that?**

10 **A. Yes.**

11 **Q. And you decide I'm not waiting around for**
 12 **this? I'm going back to my tent, pretty much?**

13 **A. Yeah. That would be -- I did that. Yes.**

14 **Q. And then no one contacted you until they**
 15 **called by telephone on October 23rd; correct?**

16 **A. Yes.**

17 **Q. And to refresh your recollection, was**
 18 **that by a female detective, Shonna Willingham?**

19 **A. Yes.**

20 **Q. Mr. Barratt, you told us on direct that**
 21 **attending the seminars that you've attended put on**
 22 **by James Ray International helped you?**

23 **A. Yes.**

24 **Q. And at each of those seminars, James Ray**
 25 **spoke; correct?**

1 **A. Yes.**

2 **Q. And he spoke about beliefs; correct?**

3 **A. Yes.**

4 **Q. Philosophy?**

5 **A. Yes.**

6 **Q. How to solve personal problems; correct?**

7 **A. Yes.**

8 **Q. Business problems?**

9 **A. Yes.**

10 **Q. And it was always just words --**
 11 **correct? -- from Mr. Ray? You want me to clarify?**

12 **A. I mean, he's a great presenter. It's**
 13 **more than just words. It's the way he presents.**
 14 **It's much more than just words.**

15 **Q. But you never saw him physically force**
 16 **someone to do anything; correct?**

17 **A. Correct.**

18 **Q. You didn't see him use some**
 19 **instrumentality, whether it be a rope or hook or**
 20 **something, to drag somebody into doing something**
 21 **they didn't want to do; correct?**

22 **A. Correct.**

23 **Q. And that's my point. He may have been**
 24 **persuasive, like your drill instructor in the**
 25 **United States Army, but it was always just words;**

1 correct?

2 **A. It was always freedom of choice. Yes.**

3 **Q.** And he was always speaking. And that
4 appeared to be his gift, the gift to speak;
5 correct?

6 **A. Yes.**

7 MR. KELLY: Thank you, Mr. Barratt.

8 THE COURT: Thank you, Mr. Kelly.

9 Redirect, Ms. Polk?

10 MS. POLK: Yes, Your Honor. Thank you. May
11 counsel and I approach before I begin.

12 THE COURT: Yes.

13 (Sidebar conference.)

14 MS. POLK: Your Honor, I wanted to check on
15 improper questions. I wanted to check because I
16 don't want to ask an improper question. But
17 Mr. Kelly did two things with this witness. One
18 was that he had this witness -- asked this witness
19 whether or not James Ray in the presweat lodge
20 briefing gave a good description of what was to
21 follow.

22 And, of course, we know Mr. Ray did not
23 give a good description of what Mr. Ray knew what
24 had happened in prior sweat lodges and what was to
25 follow could be much more horrific than the

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1 description given.

2 The description given by Mr. Ray is
3 simply that it would be hellaciously hot. You will
4 feel like your skin is going to fall off but to
5 push through it.

6 What Mr. Ray did not tell the
7 participants in that briefing is that you can fall
8 unconscious. Left unconscious, you could convulse.
9 You could become combative, and that we're not
10 going to tend to you and that we're going to let
11 you suffer through this, and that it's okay to
12 suffer through it because you'll be fine.

13 And I would like to pursue a line of
14 questioning to find out what Mr. Ray told him and
15 then ask this witness what Mr. Ray did not tell
16 him, which is specifically going into the prior
17 sweat lodge events.

18 The second thing that Mr. Kelly did --

19 MR. KELLY: Can we address that first.

20 MS. POLK: It's the same issue. During their
21 opening they put up a transcript of an unknown
22 male. And I can't recall what the statement in the
23 transcript was. But Mr. Kelly said to this witness
24 that EMS or a detective from a sheriff's office
25 said to them, it's organophosphates, and you need

1 to go get checked out. Of course, this transcript
2 is an unknown male. Nobody knows who that speaker
3 is. It remains an unknown male.

4 And, secondly, the witness -- the
5 statement in the transcript I do not believe is
6 it's organophosphates. I believe it's much more
7 ambiguous. But, again, that goes back to this
8 issue of causation and level of knowledge of
9 Mr. Ray and this attempt to mislead the jury into
10 believing that there is other causes for what
11 transpired for the death.

12 So both of these go to this issue of
13 causation and fair presentation to the jury. I'd
14 like to pursue the line of questioning with this
15 witness: What did Mr. Ray tell you? Did he tell
16 you that people can be rendered unconscious, that
17 you would be left there, that you might have
18 convulsions, which this witness did, and prior
19 witnesses or prior participants in prior sweat
20 lodges did as well?

21 THE COURT: Okay.

22 Mr. Kelly.

23 MR. KELLY: Judge, the presweat lodge
24 presentation is an exhibit in evidence. We heard
25 it. It's the exact words of my client. I simply

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1 stated that given that description. Apparently
2 Elsa, who said, I'm going to die -- apparently that
3 was adequate warning for her. So that's fair
4 cross-examination.

5 This idea that anything we do in
6 cross-examination opens the door in violation of
7 pretrial orders is just simply not true. I
8 objected based on hearsay. The government said
9 that it was the state of mind of Elsa and allowed
10 it in.

11 Now you're telling me I can't even
12 clarify by saying -- apparently there was adequate
13 notice because she thought she was going to die and
14 left.

15 Importantly, Judge, the exhibit. As I
16 clarified with this witness, he told us what he
17 remembered -- and we have the actual exhibit. It's
18 in evidence -- as to what Mr. Ray actually said in
19 terms of how hot it was going to be, et cetera.

20 So I don't see any way that that opens
21 the door to the prior act evidence. I suppose that
22 if you want to ask the question, did he talk about
23 vomiting, passing out, to the extent that anything
24 is relevant, I don't have an objection to that.
25 But that does not open the door to the prior act

1 evidence.

2 THE COURT: I'm trying to look back at my
3 notes and sort out what's said on cross, shorter
4 cross, but over an hour or so. Was it on cross
5 that he was saying that it was described -- what
6 happened is what was described?

7 MS. POLK: It was just on cross-examination.
8 Mr. Kelly said to the witness, did Mr. Ray in that
9 preswift lodge briefing provide you with a good
10 description of what was to follow?

11 MR. KELLY: He said yes.

12 THE COURT: Yes.

13 MR. KELLY: Why does that open the door to
14 prior act evidence?

15 MS. POLK: That opens the door because what
16 the Court had previously ruled is that if the
17 defense ever presents evidence to suggest that
18 there have not been problems in the past, that
19 would open the door, that it would be unfair to
20 suggest to the jury some level of knowledge by this
21 defendant other than what his true level of
22 knowledge is.

23 And that's what has happened here.
24 Suggesting to this witness and to the jury that
25 Mr. Ray gave a good description of what was to

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1 follow when Mr. Ray did not give a good description
2 of what was to follow, and he knows he did not.

3 MR. KELLY: There is a difference between the
4 prosecutor's opinion and this witness's opinion.

5 THE COURT: There is a difference, too, in
6 asking questions to clarify what the witness meant.
7 What gets me is everything that happened in this
8 time -- that can be inquired about. What he
9 observed happening to people, apparently he felt
10 that was warned. I don't know why that would have
11 to go back to prior acts.

12 I think it can be clarified, Ms. Polk,
13 right here. There were people with convulsions he
14 thought were unconscious, that he was helping drag
15 this lady out. I mean, you can ask questions about
16 that if he felt he was warned about those things.

17 Mr. Kelly.

18 MR. KELLY: I agree.

19 MS. POLK: The question I want to ask is, did
20 Mr. Ray tell you that this had ever happened in the
21 past? Did he ever tell you in the past that people
22 had convulsed? Did he tell you in the past people
23 had been left unconscious?

24 MR. KELLY: Judge, there is more than one door
25 to a house. And just to back door in 404(b) stuff

1 is not proper.

2 THE COURT: Well, 404(b) -- it's just relevant
3 evidence also. You keep doing that. You go into
4 the question of -- the whole idea -- if evidence
5 really pertinent to negligence should come in on a
6 manslaughter case or if it's even charged higher,
7 would it come in on that? A question that no one
8 has really addressed in any depth. Although the
9 state did provide a memorandum on that point, a lot
10 of these very unusual issues.

11 MR. KELLY: Judge --

12 MS. POLK: Here's the problem --

13 THE COURT: One at a time, Ms. Polk.

14 MS. POLK: Through cross-examination, you
15 can't open these doors, mislead the jury to the
16 truth and then expect to walk away from it. It
17 happened -- clearly happened yesterday when
18 Mr. Kelly opened the door.

19 THE COURT: And I told you that was a 403
20 determination. And you know how difficult that
21 was.

22 MS. POLK: I understand, Your Honor, and I'm
23 not asking you to revisit that. But I'm just
24 suggesting that it becomes cumulative when on
25 cross-examination doors are opened and the state is

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1 not allowed to clarify through the witness what
2 really happened. That ends up in an unfair
3 presentation. And the defense ought not to be
4 given their grant of immunity that you can open
5 doors.

6 THE COURT: We need to break.

7 (End of sidebar conference.)

8 THE COURT: Ladies and gentlemen, we can
9 discuss these little issues in a context that might
10 be more comfortable for everybody. We'll go ahead
11 and take the morning recess at this time. Please
12 remember the admonition.

13 Mr. Barratt, please recall the rule of
14 exclusion. I've discussed with you your
15 responsibilities.

16 And please be reassembled at 10:30.

17 We'll start as soon as we can after that.

18 I'm going to ask that the parties remain.
19 Thank you.

20 (Proceedings continued outside presence
21 of jury.)

22 Okay. I have a bench conference going.

23 And, Ms. Polk, you were addressing the
24 Court when we got the message that the jury needed
25 a break.

1 MS. POLK: Yes, Your Honor. Your Honor,
2 specifically the state is seeking guidance about a
3 line of questioning that I would like to pursue.
4 And I don't want to pursue it in front of the jury
5 if the Court is going to order otherwise. But I
6 believe that relevant evidence in this case needs
7 to come in, and specifically that relevant evidence
8 is that there were problems experienced by
9 participants at past sweat lodges run by Mr. Ray.

10 And this trial has become a, I hate to
11 use the word, "game." But we constantly have to
12 skirt the fact that there is relevant evidence out
13 there that is relevant to what witnesses do
14 in 2009, specifically because they are not told by
15 Mr. Ray that there have been problems in the past.

16 With this witness in particular,
17 Mr. Kelly has clearly made that evidence relevant
18 by asking this witness, didn't Mr. Ray give you a
19 good description in that presweat lodge briefing of
20 what was to follow?

21 And what we know is that Mr. Ray did not
22 give this participant or any participants a good
23 description of what was to follow. Mr. Ray knows,
24 he knew at the time about all the problems he had
25 had in the past. He knew that he had participants

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1 rendered unconscious. He knew he had participants
2 become combative. He knew he had participants who
3 convulsed. He knew that he had had participants
4 who had actually gone to the hospital to seek
5 medical attention.

6 And in spite of all that, he presents to
7 the participants in 2009 that this is an event
8 where it is okay to push through your body symptoms
9 of heat-related illnesses. And because
10 participants believe him -- including this witness
11 who testified he trusted Mr. Ray -- they pushed
12 through their bodies' symptoms of what ultimately
13 becomes heat stroke for several of the victims.

14 It is an unfair presentation to the jury,
15 particularly when the defense is allowed on
16 cross-examination to falsely suggest to the jury
17 that there haven't been problems in the past. And
18 it goes to Mr. Ray's level of knowledge.

19 They are repeatedly suggesting to the
20 jury that Mr. Ray himself is in this and for the
21 first time experiencing what's going on when that
22 is simply untrue. They've opened the door on other
23 issues.

24 I abide by the Court's rulings. And the
25 issue was yesterday it related to the 9-1-1 call

1 and the conversation with Amayra Hamilton. I
2 believe the jury was left with a false impression
3 over that issue. But that's done with.

4 But now, again, we have a witness who
5 Mr. Kelly says to him, didn't Mr. Ray give you a
6 fair presentation of what would happen in that
7 sweat lodge?

8 We know that Mr. Ray knowingly did not
9 give them a fair presentation of what would happen.
10 He did not tell participants about problems in the
11 past. And that has been his pattern. He buries
12 the problems from the past, and he continues to
13 gather -- collect large sums of money from
14 participants to come to his events without giving
15 them good information, full information, about the
16 dangers of his activities.

17 The second area that Mr. Kelly has now
18 misled the jury, and it goes specifically to this
19 issue of causation and Mr. Ray's knowledge of these
20 problems, is the statement to this witness that in
21 the dining hall --

22 MR. KELLY: Your Honor, can we address them
23 separately?

24 MS. POLK: I believe they're related, Your
25 Honor.

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1 THE COURT: Go ahead.

2 MS. POLK: Stated to this witness, didn't you
3 hear an EMS or a detective say, it's
4 organophosphates? You all need to get checked out?

5 There is two problems with that. One is
6 that that's clearly hearsay. The transcript that
7 Mr. Li used in his opening shows an unknown male.
8 To this day nobody knows who that unknown male was.
9 And the statement that was in the transcript and
10 the audio used in the opening is not somebody
11 saying it's organophosphates. You need to go get
12 checked out.

13 But I raised that. And I believe the two
14 are related because, again, two things are going
15 on: A misleading presentation to the jury and a
16 misleading presentation about Mr. Ray's level of
17 knowledge about the hazardous nature of his sweat
18 lodge.

19 And suggesting to this witness that
20 Mr. Ray gave them a fair presentation suggests to
21 the jury that this is all Mr. Ray knows. That he
22 gave them a fair presentation when the defense
23 knows that Mr. Ray's knowledge of what can go wrong
24 in that sweat lodge is vast and that it covers a
25 period of time from 2005 forward with many things

1 going wrong.

2 What I would like to do with this witness
3 is pursue a line of questioning to find out whether
4 or not Mr. Ray fully and fairly gave them a good
5 description of what would happen in that sweat
6 lodge, and specifically ask this witness,
7 ultimately, did Mr. Ray tell you that in the past
8 people had been rendered unconscious, people had
9 suffered convulsions, people had become combative
10 and people had become delirious?

11 THE COURT: Please have a seat, Ms. Polk.

12 Mr. Kelly, before I hear your response,
13 I'm going to say a couple things. Please have a
14 seat, Mr. Kelly.

15 MR. KELLY: Sorry.

16 THE COURT: Ms. Polk, prefacing this somehow
17 with the ruling yesterday is of some concern.
18 Because I did indicate at bench that was a 403
19 determination. I had to think back to the 404(b)
20 hearing in November, recalling that testimony and
21 that whole incident and the 2005 sweat lodge and
22 what transpired after that with the apologies, for
23 example, changing the procedure and somehow going
24 into that whole thing as a side trial and how it
25 might have impacted what this witness might have

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1 said, which no one was really sure.

2 So that is a very different situation, at
3 the same time a difficult question, because there
4 was an element of opening the door. But it was a
5 403 determination ultimately.

6 With regard to this situation, my
7 question to you is all of these things that were
8 observed by this witness, Mr. Barratt, he's
9 apparently saying that he was warned what it would
10 be like. Why would it take reference to prior
11 events to do that? Redirect is appropriate on that
12 alone.

13 So that was my question to you, Ms. Polk.
14 If you could address that. Why would you have to
15 go back -- when there are a number of things that
16 he saw or he's testified to that happened, why
17 would you have to go back and pull from prior
18 events when, as you know from the 404(b), over six,
19 seven events, or whatever, there was one person who
20 went to a doctor.

21 And then it's back to the whole situation
22 of somehow portraying through your questions that
23 there were similar situations when, in fact, there
24 was no similar situation to what happened in
25 October of 2009. At least that was the

1 determination at the 404(b).

2 There was -- and no one has ever
3 challenged -- apparently one person in 2005 went to
4 the hospital with a nonlife-threatening condition.
5 And then to open up a bunch of questions implying
6 now that there were similar situations in the past
7 would not seem to properly characterize this. So
8 those are my initial concerns before I hear from
9 Mr. Kelly.

10 MS. POLK: And, Your Honor, because it goes to
11 the defendant's level of knowledge, with this
12 witness I can ask him, were you warned that you
13 might suffer convulsions? Were you warned that you
14 might go into shock? Were you warned that
15 participants might become combative?

16 THE COURT: And I -- well, okay. Go ahead.

17 MS. POLK: And his answers, I believe, are
18 going to be no. But the problem is what is left
19 unanswered is that Mr. Ray knows that these events
20 have occurred in the past. So it still doesn't
21 answer for the jury Mr. Ray's level of knowledge.

22 All it suggests, then, is that Mr. Ray
23 didn't know that that could happen either. And
24 what we know, the truth is that Mr. Ray knew all
25 those things could happen. They had happened in

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1 past events.

2 So this line of questioning goes to
3 Mr. Ray's level of knowledge about what could
4 happen in the sweat lodge in 2009, is failure to
5 adequately warn the participants before they go in.
6 It's failure to adequately warn them of the hazard
7 that they ultimately did encounter, his suggestion
8 to them that it was safe to push through. But it
9 doesn't explain to the jury that, in fact, Mr. Ray
10 knows that much worse things can happen because
11 they did, in fact, happen.

12 THE COURT: Much worse things than what?

13 MS. POLK: Than what Mr. Ray told them would
14 happen in the briefing.

15 THE COURT: Didn't that become at least
16 arguably apparent just from what happened in 2009?
17 Why would it take any reference to prior events?

18 MS. POLK: Because it goes to Mr. Ray's level
19 of knowledge. Mr. Kelly specifically asked this
20 witness, weren't you given a fair warning about
21 what would happen in the sweat lodge?

22 We're allowed, then, to explore, well,
23 were you given a fair warning or not? And they
24 weren't given a fair warning. They weren't given a
25 fair warning. They weren't told that people would

1 be left unconscious for many, many rounds. They
2 weren't told about the shock, the convulsions, the
3 combativeness, the delirium.

4 And ultimately what they weren't told,
5 which would have been crucial for these witnesses,
6 these participants, to know, they weren't told that
7 there had been problems in the past where people
8 suffered convulsions, delirium, became combative,
9 lost consciousness and were not -- did not receive
10 medical attention; and then on another occasion
11 lost consciousness or became combative and did
12 seek.

13 Again, it goes to Mr. Ray's level of
14 knowledge. The jury will be left with the
15 impression that nobody knew that this could happen.
16 This is a sweat lodge gone wrong for the first time
17 and that Mr. Ray, along with these participants --
18 everybody is just surprised by it.

19 That's not true. Mr. Ray's level of
20 knowledge is that things can go horribly wrong.
21 And he does not fairly warn these participants how
22 bad things can be and that he's had problems in the
23 past.

24 THE COURT: Ms. Polk, isn't it the case that a
25 lot of these people were at prior sweat lodges? Is

1 that true? We know at least one person.

2 MS. POLK: Not that we've heard from so far,
3 Your Honor. Ms. Haley is the only witness --
4 Ms. Haley is the only witness who was at a prior
5 event. And as the jury heard, she said, I'm not
6 going back in there. She elected not to go back in
7 there. But the jury doesn't know why because she
8 hasn't been allowed --

9 THE COURT: No. I think she mentioned -- I
10 think Ms. Haley went into quite a bit of detail
11 about why she didn't want to go in there because of
12 what she'd seen in 2007, I believe it was.

13 MS. POLK: Yes. I stand corrected. She did
14 get to testify. But what the jury hasn't heard is
15 that Mr. Ray knows there have been many other
16 problems other than what Ms. Haley testified about.

17 So, again, it goes to his level of
18 knowledge, what he knew, what he chose to tell
19 participants, and did he fairly warn them about
20 what could happen. And he did not.

21 And if the door has been opened because
22 Mr. Kelly has said, didn't Mr. Ray give you a fair
23 description and didn't he fairly warn you about
24 what would happen -- and we know he didn't give
25 them a fair description. And we know he absolutely

1 did not fairly warn participants about what could
2 happen.

3 THE COURT: Thank you.

4 Mr. Kelly.

5 MR. KELLY: Judge, Ms. Polk has been talking
6 here for 20 minutes. What is the question?

7 THE COURT: The question is going into what
8 happened at prior events, and then, of course, that
9 would have to also be a case of perhaps -- that's
10 the question. Going into prior events, which I --
11 go ahead.

12 MR. KELLY: You've outlined it, Judge. The
13 state had three days. You set aside those three
14 days. We showed up. There is a standard
15 articulated under Arizona law by Terrazas. They
16 failed to meet it. Those acts are not admissible.

17 THE COURT: That's not what I ruled. Go
18 ahead. I ruled in 404(b) context, they're not. Go
19 ahead.

20 MR. KELLY: And under Terrazas, I believe the
21 Court would agree the standard of proof is by clear
22 and convincing evidence. There wasn't even an
23 attempt to establish the accuracy of these claims.
24 There was just conclusions drawn by the state that
25 my client had knowledge when Daniel P. goes to the

1 hospital and takes a shower of some inherently
2 dangerous condition? That doesn't meet the
3 Terrazas standard.

4 What she wants to do -- as the state's
5 case is unraveling, she wants to draw conclusions,
6 impute knowledge to my client that has never been
7 proven. That's what's going on. And so every time
8 I ask a question --

9 Judge, I went back through my notes.
10 Elsa said in the questions on direct she did not
11 cut her hair. She was not going to cut her hair.
12 She did not cut her hair. She did not go into the
13 sweat lodge. 15 minutes to go back into the tents
14 because -- and the government had to get this in --
15 I will die. I better not do it then.

16 So what I simply asked this witness is,
17 so, apparently, the presweat lodge presentation was
18 adequate knowledge to these people to make an
19 informed decision as to whether they were going to
20 stay or go?

21 Now, how under any construct does that
22 open the door to what we were talking about in
23 November? Judge, I don't understand that. And
24 think about it. This guy wasn't even at the prior
25 events.

1 And what the government wants to do is
2 somehow impute a higher standard of care, the civil
3 law principles in a criminal case on Mr. Ray. And
4 somehow now he's supposed to in his sweat lodge
5 say, hey -- you know -- a guy took a shower back in
6 2005 at the hospital, and I want to let you guys
7 know that and some people got sick on prior
8 occasions. I want to let you know that.

9 Now, that's utterly ridiculous when we
10 have no idea whether Mr. Ray had any personal
11 knowledge of any of these conditions, whether they
12 be medical or discomfort. No personal knowledge.
13 And yet they want to open the door to that improper
14 404(b) evidence.

15 There is a clear order of the Court. I
16 heard Ms. Polk's opening statements. And I thought
17 the theory of this case was that somehow through a
18 large group-awareness training, my client in his
19 words forced people to stay in the sweat lodge.
20 And now all of a sudden we have a new theory in the
21 middle of trial.

22 These things have been pending for a year
23 and a half. We had an evidentiary hearing. There
24 was plenty of time to -- plenty of time to go
25 through this.

1 I apologize, Judge. It's just that every
2 time, something as innocuous as -- did you think
3 that was adequate warning? Yes. I did -- somehow
4 opens the door to 404(b). We're never going to get
5 through this trial at this rate.

6 Judge, I don't know if you're ready to
7 address the second issue, but I see them as two
8 separate issues. Again, as I mentioned on the
9 sidebar --

10 THE COURT: What I saw with the
11 organophosphates question is I thought the question
12 was worded appropriately, and it wasn't the type of
13 leading question that is testimony. In other
14 words, did you know that organophosphates were a
15 factor in this or something like that. I thought
16 it really was inquiring whether the person had
17 heard this. I thought that was the gist of the
18 question.

19 And, again, a real question -- and
20 lawyers -- what lawyers say isn't testimony, and
21 letting it go at that. Ms. Polk, I don't -- he
22 didn't have any idea and had never heard anything
23 like that. I thought the question was in that form
24 rather than Mr. Kelly testifying.

25 But you heard the question differently?

1 MS. POLK: Well, Your Honor, if an attorney is
2 going to ask a leading question, you have to have a
3 good-faith basis that what you're asking
4 actually -- that the information is accurate. And
5 to loosely say, didn't you hear an EMS or detective
6 say, it's organophosphates, you all need to go get
7 checked out, Mr. Kelly knows is not what is in that
8 transcript.

9 First of all, it's an unknown male. To
10 this day nobody knows who said that. It could have
11 been a participant. And to suggest it was a
12 detective or an EMS who said that would be
13 inaccurate.

14 MR. KELLY: Judge, this is the state's
15 evidence. It's not our evidence. I clearly have a
16 good-faith basis. The real question is under
17 Brady, why isn't it investigated. And Mr. Li has
18 it cued up if you want to hear the exact statement.

19 If I cannot cross-examine a witness based
20 on the state's own evidence, then what are we to
21 do? Shut down? I can't --

22 THE COURT: Ms. Polk, where do you think that
23 statement came from? You said it was an unknown
24 male. But didn't it come from somebody -- one of
25 the first responders? Isn't that the state's

1 belief?

2 MS. POLK: I don't know where it came from,
3 Your Honor. The transcript says unknown male.

4 MR. KELLY: Judge, Fawn Foster last week said
5 it was an EMS.

6 THE COURT: I don't want interruptions. I
7 give people an opportunity to respond.

8 Ms. Polk.

9 MS. POLK: Your Honor, I don't know who said
10 it. I know that law enforcement does not know who
11 said it. We don't believe -- and I'm looking at
12 Detective Diskin because I don't want to mislead
13 the Court.

14 But we don't know of any law enforcement
15 person that said it.

16 Is that correct?

17 THE COURT: Mr. Kelly.

18 MR. KELLY: Your Honor, just on this --

19 THE COURT: What the indication came from, an
20 authority, first responder type authority --

21 MR. LI: I'll give you two pieces of
22 information since I handled this particular issue.
23 The first is what this is is this is sort of
24 between various interviews. I think it's Michael
25 Barber's interview. Mr. Barber is being

1 interviewed by a detective. The detective's
2 interview is interrupted by this person who comes
3 in and says, all right -- I've got it cued up -- he
4 says, all right, everybody.

5 I mean, if you want to listen to it --

6 THE COURT: I recall some of that. My only
7 question is, you have a reason to believe it came
8 from authority -- an EMS, EMT or first responder, a
9 fire official --

10 MR. LI: I have two reasons. One is
11 circumstantial evidence. One is just the guy comes
12 in and says that we're checking into that. We're
13 not exactly sure. It could have been some carbon
14 monoxide with maybe some organophosphates that were
15 mixed in somehow, so we're checking into that.

16 And then an unknown female in the
17 audience says, hey. What sort of symptoms are we
18 looking for?

19 And the response is, nausea, vomiting,
20 headaches, everything you have, if it doesn't get
21 better. The good news is that the patients that
22 are there, they're coming in, they're already
23 improving. Just keep an eye on that and on each
24 other. And if anybody gets worse, either go to the
25 hospital or call 9-1-1, and we'll come back. Okay?

1 We'll come back.

2 So I don't have a videotape of this
3 person speaking, but we'll come back suggests very
4 strongly that the person that's discussing this is
5 an EMT, ambulance personnel, something like this.
6 This is actually the state's evidence.

7 The second piece of evidence that we have
8 that supports this is an EMT who is saying this,
9 and that this happened, despite the fact that the
10 state is now saying, oh. We have no idea what this
11 is. This could have been anybody off the street.

12 The other fact is that I sat in a room
13 with Mr. Hughes and a witness about a week and a
14 half ago. A woman by the name of Dawn Gordon, who
15 is on the plaintiff's -- the prosecution's witness
16 list. And I took 10 minutes with her because she
17 was at the interview, and she's listed as somebody
18 who was in the dining hall. I played it for her.

19 I said, did you hear something like this?

20 And she said, yes, I did.

21 Now, I would be very interested to see if
22 the state is actually still going to call her.

23 Okay? But it is not factually correct that the
24 state has no idea where this tape came from or who
25 might have been talking. You only have to look at

1 it and listen to it to understand that when
2 somebody says, we'll come back, I think you can
3 draw a fair inference that that's an EMT or
4 ambulance driver. Because he's saying, if anybody
5 gets worse, either go to the hospital or call
6 9-1-1, and we'll come back. I think it's a fair
7 inference to draw.

8 I think it's also a fair inference to
9 draw from the fact that -- the knowledge with which
10 this person is speaking. They are symptoms of
11 organophosphates -- nausea, vomiting, headache,
12 everything these people had. I think you can draw
13 a fair inference from that that it's an EMT
14 personnel.

15 THE COURT: Mr. Li, you've covered this.

16 MR. LI: Thank you.

17 THE COURT: I don't find anything improper in
18 just an open question. Again, it didn't have
19 anything to do with the truth of that. It had to
20 do with were people following leads in the early
21 going and how widespread was this notion were
22 people being told.

23 I don't want to go into why it might be
24 more or less relevant. That's what that question
25 was about. We don't need to discuss it. I don't

1 find anything improper about that question.

2 The other issue is much more difficult.

3 And, Ms. Polk, here's the problem: The
4 asking questions suggest -- are going to suggest
5 that there was anything like what happened in 2009,
6 from the evidence I've seen, would be very, very
7 misleading. One person went to the hospital over a
8 period of a number of years with a
9 nonlife-threatening condition.

10 The other problem is the 404(b) testimony
11 was on a whole different standard of proof. I
12 found clear and convincing that certain instances
13 happened. They were relatively isolated. There
14 wasn't a lot of specificity. Any incidents that
15 become the subject of testimony would have to also
16 include knowledge by Mr. Ray.

17 So to go into that with this witness and
18 suggest there might be just multiple people out
19 there that Mr. Ray knew about everybody, that would
20 be -- I don't see the basis for that. T.

21 Here might be a way -- well, I don't
22 wanted to go further. I told you the concern.

23 And I'm back to my initial question is,
24 you can ask on redirect why he thinks it was proper
25 warning when he's taking people out and doing these

1 things. That was the testimony. He thinks he was
2 properly warned that this could happen apparently.
3 And you can certainly redirect into that area. But
4 to just get back into these other sweat lodge
5 events -- I'm not going to repeat myself on that.

6 Ms. Polk, anything else.

7 MS. POLK: Your Honor, not on that issue, but
8 the state does have another issue.

9 MR. HUGHES: Your Honor, with respect to the
10 next witness that we intend to call, Mr. Ronan,
11 there are a couple of issues that have come up.
12 One is yesterday afternoon when I met with him, he
13 informed me that he had some exposure to watching
14 some of the testimony in this case on the media.

15 So I don't know how we can address that or deal
16 with that. But I wanted to put that on the table.

17 The other issue, which is kind of a
18 two-part, is when I spoke with him, he did inform
19 me that there was a -- he had filed lawsuits
20 against Angel Valley and against Mr. Ray.

21 I have asked the defense for a copy of
22 any documents that they intend to use today in
23 cross-examining. As of yet I don't have any. I
24 would request again that anything they intend to
25 use be provided to us before we begin our direct

1 examination.

2 The second issue, which is pertaining
3 specifically to the Angel Valley lawsuit, we were
4 able to find that. We were not able to find the
5 lawsuit against Mr. Ray. I don't know if the
6 defense intends to use that or not. I gave them a
7 copy this morning and asked if they had a copy
8 already.

9 I don't think I've gotten an answer yet
10 as to whether the defense team had a copy of the
11 Angel Valley lawsuit. If they're not intending to
12 use it, it's a moot issue. If they are intending
13 to use it, then I would bring that up.

14 THE COURT: Ms. Do.

15 MS. DO: Thank you, Your Honor. Well, with
16 respect to the lawsuit against Angel Valley, the
17 state did provide me with a copy of that this
18 morning.

19 At this point I don't anticipate a need
20 to use this or reference the lawsuit against Angel
21 Valley in my cross-examination. But without having
22 heard the direct, I can't say that with any degree
23 of certainty. I can just say I don't anticipate
24 using it unless something is opened up on direct.

25 With respect to Mr. Ronan's lawsuit

1 against James Ray International, again, I do not
2 intend to offer any evidence. At this point I
3 don't think that I even intend to reference that in
4 cross-examination unless something is gone into in
5 direct.

6 With regard to the media exposure,
7 Mr. Hughes did give me notice yesterday that this
8 witness received from the state, pursuant to the
9 Court's order on February 28, 2011, that witnesses
10 were not to review any media coverage under the
11 rule of exclusion.

12 It appears this witness, Mr. Ronan,
13 actually after receiving that notice and a copy of
14 the Court's order, went on line and watched the
15 video coverage of Jennifer Haley, Laura Tucker,
16 Melissa Phillips; also went on line and reviewed
17 opinions and editorials about this case, also went
18 on line and read and reviewed summaries of witness
19 testimony.

20 I don't know what the Court intends to do
21 with that. I don't know what remedies are
22 available. I do intend to cross-examine on that
23 issue because obviously it goes to the witness's
24 taint or bias or -- you know -- the accuracy of his
25 own perception and recollection.

1 MR. HUGHES: Your Honor, I agree. That's a
2 fair area for them to examine. I'll ask him
3 questions about that. He indicated that he thought
4 that for some reason he wasn't on our witness list
5 despite receiving the notification from us. But I
6 agree that that's a fair area for the defense and
7 for myself to inquire into.

8 With respect to the lawsuits against
9 Mr. Ray, which the witness didn't really want to
10 talk to me about because there is a confidentiality
11 agreement between him and Mr. Ray, he did indicate
12 enough that led me to believe it had been settled
13 against Mr. Ray and not against Angel Valley.

14 If the defense isn't going to go into
15 those areas, I won't go into them. But if they
16 are, then I think I need to have a copy of that
17 lawsuit against Mr. Ray.

18 THE COURT: With regard to the witness having
19 been exposed to coverage, I think there are two
20 ways to proceed. If there is some kind of concern
21 and there is going to be some request that there
22 has just been such a violation of the rule that the
23 witness shouldn't be testifying, I think there has
24 to be an interview, a recorded interview, obviously
25 by the parties.

1 Otherwise, if the witness proceeds as the
2 parties suggest, there can just be absolute full
3 cross-examination into that. Those are the two
4 ways to proceed. You're going to have to let me
5 know.

6 Based on what I'm hearing now, I'm not
7 going to just say a person isn't going to be able
8 to testify. That's the choice there.

9 With regard to the lawsuit, what happened
10 with the previous witness is there were elements of
11 a prior statement. We went through all of that
12 with the factual averments in the complaint an
13 offense so that they could be treated under 613.

14 Once you got that far, then you have the
15 whole lawsuit possibly coming in. It really
16 depends on what level it's brought up. If someone
17 just brings up, didn't you bring a lawsuit, and so
18 doesn't that give you some kind of interest?

19 If it's handled on that level, there is
20 no reason to be having a complaint waved around or
21 anything like that. If it's going to -- if there
22 is going to be a suggestion, as there was in that,
23 that the lawsuit might not be well-founded, say,
24 privilege or something, then you get into it very
25 deeply, and you're, essentially, trying to use the

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1 complaint as an exhibit.

2 And if you think you're going to -- if
3 you intend to use something as an exhibit, you know
4 under Rule 15, you have got to disclose that.
5 That's what has to happen. So that's just my
6 ruling.

7 MS. DO: Judge, I understand the Court's
8 ruling fully. And, as I already indicated, I do
9 not intend to use the fact that -- I don't have a
10 copy of any of these documents Mr. Hughes is
11 referring to except the one he handed me this
12 morning.

13 With respect to the issue of the media
14 exposure, Your Honor, we just received notice last
15 night via email regarding Mr. Ronan's violation of
16 the Court's order. I understand he is going to be
17 called after Mr. Barratt steps down from the stand.
18 I would like the opportunity to do that recorded
19 interview before the state calls him to determine
20 what else is out there.

21 In addition to the notice of the
22 violation of the Court's order, apparently after
23 viewing all of these materials that the Court had
24 ordered him not to review, he's coming up with new
25 statements.

1 I've not had a chance to interview him.

2 I don't know what's coming. I haven't received any
3 additional disclosure from the state. I'd like
4 that opportunity.

5 THE COURT: I think that has to be permitted,
6 Mr. Hughes.

7 MR. HUGHES: Your Honor, I would agree. I
8 think it's the right way to go. I do think the
9 only new statements I'm aware of is the one that I
10 also disclosed to Ms. Do yesterday.

11 I asked Mr. Ronan to -- he recalled an
12 additional incident. I asked him to put it in an
13 email and send it to my office. As soon as we
14 received that email, which was his characterization
15 of what he now remembers, I sent that on to the
16 defense team last night.

17 THE COURT: Do you have another witness who
18 can testify today?

19 MR. HUGHES: We do have another witness, Your
20 Honor. Miss Andresano. We could call her,
21 although we had told her she would not be
22 testifying until late this afternoon. I need to
23 make sure that she's still here and not out on a
24 trip someplace. But with a little bit of time, I
25 can find out if we can get her as our next witness.

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1 THE COURT: We need to have the interview done
2 of Mr. Ronan.

3 MS. DO: Yes. Thank you.

4 THE COURT: We do need to have a break for the
5 reporter and other folks. We'll be in recess for
6 10 minutes or so. Thank you.

7 (Recess.)

8 (Proceedings continued in the presence of
9 jury.)

10 THE COURT: The record will show the presence
11 of the defendant, Mr. Ray; the attorneys, the jury.

12 Mr. Barratt is on the witness stand.

13 Ms. Polk.

14 MS. POLK: Thank you, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. POLK:

17 Q. Mr. Barratt, I just have a few questions.
18 You testified during cross-examination that you had
19 experienced hypoxia before. Will you tell the jury
20 what hypoxia is.

21 A. It's an effect of lack of oxygen. I keep
22 relating back to drunkenness. Seems to work best
23 for me. It's, basically, incoherent. Even though
24 you think that you're coherent, you're not.

25 Q. When was it that you suffered from

1 hypoxia?

2 **A. I was going through training to fly**
3 **high-altitude, multiengine aircraft, which is**
4 **pressurized. And it was required to go through an**
5 **altitude chamber test in training. And they**
6 **actually take you up to 20,000 feet, or the**
7 **equivalent of 20,000 feet, in the altitude chamber,**
8 **which is virtually very little oxygen at that**
9 **elevation.**

10 **You do simple things like add two and two**
11 **and write your name, spell it out. And then they**
12 **bring you back down to sea level. And actually,**
13 **when I got there, they ask you to double-check your**
14 **work and make sure it's perfect.**

15 **And you say, yeah. It's perfect. You**
16 **come back down to sea level, look at your work, and**
17 **you can't even read your own name, and you can't**
18 **add two plus two; but yet you think you're**
19 **functioning properly.**

20 **Q. When you compare that to a drunk, what do**
21 **you mean?**

22 **A. Well, seems like the more you drink the**
23 **smarter you get tends not to be true.**

24 **Q. In your experience with hypoxia, you**
25 **compared that during cross-examination to how you**

1 felt inside Mr. Ray's sweat lodge?

2 **MR. KELLY: Your Honor, objection. I believe**
3 **that misstates the testimony.**

4 **THE COURT: Overruled.**

5 **You may answer that, if you can.**

6 **THE WITNESS: I'll have you ask that again,**
7 **please.**

8 **Q. BY MS. POLK: I'll rephrase it. Can you**
9 **compare your experiencing hypoxia with how you felt**
10 **during Mr. Ray's sweat lodge ceremony?**

11 **A. Yes. With hypoxia you don't realize**
12 **what's going on. It's like vertigo. You can be**
13 **upside down and think you're right-side-up. With**
14 **hypoxia you think you're doing fine, but in reality**
15 **you're not. You're just not functioning or**
16 **coherent.**

17 **In the sweat lodge, for me, I was**
18 **coherent enough initially to know that I was**
19 **extremely uncomfortable, which I expected. I've**
20 **been in very uncomfortable situations before, but**
21 **this was kind of going beyond that. At least I**
22 **knew that it wasn't going to work for me.**

23 **Q. And yet you went back in once you had**
24 **made your way out?**

25 **A. Yes. Once I got out and cooled down, got**

1 **some fresh air and hosed off, then it kind of came**
2 **back to me. I realized, again, instinctly (sic)**
3 **that I was supposed to be in there. I went back**
4 **in.**

5 **Now, whether -- I would say at this point**
6 **I was not totally coherent. Knowing how I feel and**
7 **felt then, I probably would not have gone back in.**
8 **I just knew instinctly (sic) I was not supposed to**
9 **be out there. I was supposed to be in there.**

10 **Q. Why do you describe it that way? Why do**
11 **you say instinctively you knew you weren't supposed**
12 **to be out, that you were supposed to be in?**

13 **A. Well, because in the classroom we were**
14 **given the routine and how it was going to go. And**
15 **I had that locked in my mind on how that was going**
16 **to work. And when they said you follow the person**
17 **out that's in front of you, when the person in**
18 **front of me went out, I went out.**

19 **But I realized, well, he was the only one**
20 **who came out. I wasn't supposed to be out there.**
21 **At that point the process kicked in that I was**
22 **supposed to be in there, not outside.**

23 **Q. You were asked about the activity with**
24 **shaving or cutting the hair. How did Mr. Ray refer**
25 **to that activity?**

1 **A. Well, for me it was an indication that**
2 **you're willing to play full out. Understood the**
3 **symbolism of leaving all your baggage behind and,**
4 **basically, kind of cleansing and ready to go**
5 **forward with a new start.**

6 **Q. Did Mr. Ray call it a "haircut" or "head**
7 **shaving"?**

8 **A. I really don't remember the terminology.**
9 **It was pretty clear you were going to get a buzz**
10 **job.**

11 **Q. You were asked to identify the waiver or**
12 **the release that you signed. And you said that was**
13 **the fifth time you had signed a waiver?**

14 **A. Yes. I believe I've done five events.**
15 **Yes.**

16 **Q. Do you recall whether or not the waiver**
17 **you signed for previous events was the same one you**
18 **signed for Spiritual Warrior 2009?**

19 **A. I would say -- well, they're definitely**
20 **different. After it was pointed out to me the**
21 **sweat lodge was part of the event, that was never**
22 **part of any other events. But I can't actually say**
23 **I read them thoroughly either after the first one.**

24 **Q. During your time in the sweat lodge, do**
25 **you recall ever feeling fresh air when the door**

1 opened?

2 **A. Back in our corner I was really**
3 **anticipating the opening of the flap to get fresh**
4 **air. But it really had no effect. I didn't feel**
5 **any change. There was virtually no air circulation**
6 **in there. All we got was a little bit more light.**
7 **But I didn't feel any change in temperature or the**
8 **quality of the air.**

9 **Q.** And I just want to ask you a couple
10 questions about Linda that you testified about and
11 were questioned on cross-examination.

12 What first brought your attention to
13 Linda when you reentered the sweat lodge?

14 **A. Just simply the fact that she was,**
15 **basically, sprawled out on the ground.**

16 **Q.** When you were asked by Mr. Kelly -- I
17 think he said to you, you have no personal
18 knowledge that Mr. Ray could see Linda?

19 You said, yes, I do.

20 **A. Correct.**

21 **Q.** Why do you believe that Mr. Ray could see
22 Linda?

23 **A. Because from across the lodge he directed**
24 **and he called out somebody's name, some gentleman's**
25 **name. I don't recall who it was.**

1 **He said, move her back.**

2 **And then that person said, she's lying on**
3 **my legs. I can't move her.**

4 **Q.** Do you know how -- did that person ever
5 get out from under Linda?

6 **A. No.**

7 **Q.** Do you know who that person was?

8 **A. No.**

9 **Q.** When the sweat lodge ceremony was over
10 and you helped drag Linda out, do you know if --
11 where that man -- that person was that Linda was on
12 top of?

13 **A. I think she was still on top of him.**

14 **Q.** And do you believe it was a male?

15 **A. Yes.**

16 **Q.** Can we get an idea, Mr. Barratt, of
17 distances? For example -- well, specifically what
18 I'd like to know is where was Mr. Ray when he
19 called out to someone to move Linda?

20 **A. He was directly across the lodge on the**
21 **far side. And I never did know the dimensions of**
22 **the lodge. But be less than 40 feet, I would say,**
23 **in distance. 35 feet maybe.**

24 **Q.** How far were you from Mr. Ray?

25 **A. Little closer, 30 feet, maybe a little**

1 **closer.**

2 **Q.** You talked about the edge of the flap
3 lifting up. But you don't believe anybody crawled
4 out; is that correct?

5 **A. Yes.**

6 **Q.** Do you recall how many times -- let me
7 rephrase that.

8 Were you aware of the edge of the tent
9 being lifted more than once?

10 **A. When I came back in, I recall the -- just**
11 **the very bottom lip being lifted up once. I saw**
12 **some daylight. That was the only time I recall**
13 **that it was lifted up.**

14 **Q.** Do you know who was doing the lifting?

15 **A. No.**

16 **Q.** Do you know who was sitting in the area
17 where the lifting was occurring?

18 **A. Well, after the fact. It was back in**
19 **that area where Kirby and James and the other**
20 **gentleman who was left there. Right in that**
21 **immediate vicinity.**

22 **Q.** Did you ever hear comments when you were
23 inside the sweat lodge about people not breathing?

24 **A. Not inside the sweat lodge. No.**

25 **Q.** Did you later outside hear comments?

1 **A. Yes.**

2 **Q.** Tell the jury what you heard.

3 **A. Well, when I pulled Linda out, rolled her**
4 **over, one of the Dream Team members came over and**
5 **checked on her and started encouraging her to**
6 **breathe. I recall I was there for a little bit and**
7 **helped get her laid out straight.**

8 **But I do remember at that point that I**
9 **was concerned about the other two people that were**
10 **still inside. And so I left and turned around and**
11 **started back in. And during that time and after**
12 **when I was going in and out of consciousness, I**
13 **could hear other people encouraging other people to**
14 **breathe also.**

15 **Q.** You were asked a series of questions
16 about JRI, the company, versus Mr. Ray or James
17 Ray. Do you remember those questions?

18 **A. Yes.**

19 **Q.** You told the jury you've been to a number
20 of events. Who did you go to see or hear from when
21 you went to the various events?

22 **A. Well, James was the presenter for all of**
23 **those.**

24 **Q.** And you said that you had learned quite a
25 bit that had helped your life. Who is it that you

1 learned from?

2 **A. From James.**

3 **Q.** And I've noticed that you and other
4 witnesses call Mr. Ray "James." How did that come
5 about?

6 **A. Just what we do, I guess. I don't know.**
7 **It's not that we've really had one-on-one contact**
8 **with him. But his name is James Ray. I think it's**
9 **just a casual representation when addressing him.**

10 **Q.** To your knowledge, do all the
11 participants call Mr. Ray "James" at the events?

12 **A. I believe so.**

13 **Q.** And then Mr. Kelly stated to you that in
14 that presweat lodge briefing that Mr. Ray provided
15 to the participants --

16 MR. KELLY: Your Honor, I'm going to object to
17 the form of the question. He didn't state --

18 THE COURT: Question I guess -- if you would
19 rephrase that, please, Ms. Polk.

20 **Q.** BY MS. POLK: Mr. Kelly made the
21 statement that you were given a fair warning by
22 Mr. Ray about what would occur in the -- in his
23 sweat lodge, and you agreed that yes --

24 MR. KELLY: Your Honor, I'm going to object to
25 the form of the question. I asked a question.

1 THE COURT: Just strictly as to the form of
2 the question.

3 If Mr. Kelly made a statement, it
4 shouldn't be taken as evidence in any way.

5 Ms. Polk.

6 **Q.** BY MS. POLK: Do you recall agreeing with
7 Mr. Kelly that Mr. Ray gave you fair warning about
8 what would happen inside his sweat lodge?

9 **A. Yes. James give us a description of what**
10 **it would feel like.**

11 **Q.** And specifically what did Mr. Ray say
12 about what it would feel like?

13 **A. That it was going to be extremely hot,**
14 **uncomfortable. Your skin is going to feel like**
15 **it's going to fall off.**

16 **Q.** Did Mr. Ray ever warn you that the
17 conditions inside the sweat lodge could cause
18 participants to vomit?

19 **A. No.**

20 **Q.** Did he ever warn you that the conditions
21 inside his sweat lodge could cause participants to
22 lose consciousness?

23 **A. No.**

24 **Q.** Did Mr. Ray ever warn you that the
25 conditions inside his sweat lodge could cause you

1 to suffer shock?

2 **A. No.**

3 **Q.** Did Mr. Ray ever warn you that the
4 conditions inside his sweat lodge could cause you
5 to suffer convulsions?

6 **A. No.**

7 **Q.** Did Mr. Ray ever warn you --

8 MR. KELLY: Your Honor, object to the leading
9 nature of these questions. Been asked and
10 answered. He's explained what my client warned him
11 of.

12 THE COURT: Overruled.

13 **Q.** BY MS. POLK: Did Mr. Ray ever warn you
14 that the conditions inside his sweat lodge could
15 cause people to stop breathing?

16 **A. No.**

17 **Q.** Did Mr. Ray ever warn you that people
18 inside his sweat lodge that lost consciousness
19 would be left inside the sweat lodge throughout
20 rounds?

21 **A. No.**

22 **Q.** Did Mr. Ray ever warn you that outside
23 the sweat lodge when you were suffering loss of
24 consciousness, that no one would tend to you?

25 MR. KELLY: Your Honor, I'm going to object.

1 Continued leading questions are improper on
2 redirect.

3 THE COURT: It's been covered. Sustained as
4 to leading at this point.

5 **Q.** BY MS. POLK: Did Mr. Ray ever talk to
6 you about ignoring your body's symptoms reacting to
7 heat?

8 MR. KELLY: Your Honor, same objection. It's
9 a leading question.

10 THE COURT: Sustained.

11 **Q.** BY MS. POLK: Did Mr. Ray ever make any
12 representation that conditions inside his sweat
13 lodge could damage your health?

14 **A. No.**

15 MS. POLK: Thank you, sir.

16 Thank you, Your Honor.

17 THE COURT: Thank you, Ms. Polk.

18 Ladies and gentlemen, are there any
19 questions for this witness?

20 I see there's some.

21 (Sidebar conference.)

22 Counsel, will you please review the
23 question.

24 Any objection, Ms. Polk?

25 MS. POLK: No objection.

1 THE COURT: Objection, Mr. Kelly?
 2 MR. KELLY: No objection.
 3 THE COURT: Heidi mentioned something about
 4 wanting to break. I guess interviewing Mr. Ronan.
 5 What's the plan on that?
 6 MS. POLK: I'm under the impression that the
 7 defense cannot interview Mr. Ronan today.
 8 Is that right?
 9 MR. LI: That's correct.
 10 MS. POLK: So I think we're talking about
 11 taking an early lunch and getting Linda Andresano
 12 here.
 13 THE COURT: Can you do that?
 14 MS. POLK: Yes. I believe she can be here
 15 anytime just as long as she has an hour's notice.
 16 THE COURT: So if we break now, resume at
 17 1:30? What are people going to suggest?
 18 MS. POLK: I was going to say earlier, take
 19 the traditional hour and a half.
 20 THE COURT: Okay. Thank you.
 21 MR. LI: Thank you, Your Honor.
 22 (End of sidebar conference.)
 23 THE COURT: Mr. Barratt, I will ask the
 24 question. And the lawyers may choose to follow up.
 25 When you were in the sweat lodge during

1 the Spiritual Warrior event of '09, and in
 2 recalling your observations of the pit, do you
 3 recall if the pit was in the center of the tent?
 4 Was the pit location more favoring other parts of
 5 the tent?
 6 THE WITNESS: To my knowledge, the pit was
 7 exactly in the center of the tent.
 8 THE COURT: Ms. Polk, follow up?
 9 FURTHER REDIRECT EXAMINATION
 10 BY MS. POLK:
 11 Q. Mr. Barratt, can I ask you how you know
 12 that or what you base that opinion on?
 13 A. **Well, the tent was round. The pit was**
 14 **round. We all sat in two rows around the inside**
 15 **perimeter of the tent. And for all of us to have**
 16 **the same effect and/or protection from the heat, it**
 17 **would logically need to be in the center.**
 18 **To me it was equal distance from all**
 19 **sides, so it was in the center.**
 20 Q. And would you defer -- if a diagram of
 21 the tent was offered here in this trial, would you
 22 defer to a diagram from the scene with dimensions?
 23 A. **Well, that would be helpful certainly.**
 24 Q. Thank you.
 25 THE COURT: Follow up, Mr. Kelly?

1 RECROSS-EXAMINATION
 2 BY MR. KELLY:
 3 Q. Mr. Barratt, you don't know who built the
 4 sweat lodge in Angel Valley; correct?
 5 A. **I don't know him personally. I saw it in**
 6 **process and saw the people that were facilitating**
 7 **the event, but don't know them, never met them,**
 8 **just know of them.**
 9 Q. So you actually saw the structure being
 10 built while you were there?
 11 A. **Yes. Partially.**
 12 Q. My next question is, did you see the pit
 13 being dug?
 14 A. **No.**
 15 Q. So your assumption is it's in the middle
 16 of the pit because that's the logical place to put
 17 it?
 18 A. **It was logical and that was my**
 19 **observation.**
 20 Q. Thank you, sir.
 21 Thank you, Judge.
 22 THE COURT: Thank you, Counsel.
 23 May Mr. Barratt be excused as a witness?
 24 MR. KELLY: Yes, Judge.
 25 MS. POLK: Your Honor, the state would prefer

1 to keep Mr. Barratt under ability to be recalled.
 2 THE COURT: Subject to recall. Okay.
 3 Mr. Barratt, you will be excused from the
 4 trial at this time. However, you're not completely
 5 excused. You may be recalled. Whether you're --
 6 well, it changes the rules somewhat. If you're
 7 actually excused as a witness, the person is
 8 permitted to stay in the courtroom after that time.
 9 But since you're subject to recall, you
 10 will not be able to do that. All the other aspects
 11 of that rule of exclusion that I've explained to
 12 you apply to anybody who is testifying in the trial
 13 until it's completely over. So please recall that.
 14 You are excused at this time unless
 15 someone notifies you otherwise. You are subject to
 16 recall.
 17 You understand?
 18 THE WITNESS: I do.
 19 THE COURT: Okay. Thank you.
 20 I'm going to excuse everybody right now
 21 for -- we're going to go ahead and take the noon
 22 recess a bit early. I'm going to ask that you be
 23 back about five to 1:00. I'd like to get started
 24 at 1:00 o'clock. And please remember the
 25 admonition. And we will be in recess.

1 Thank you.

2 (Recess.)

3 THE COURT: The record will show the presence
4 of the defendant, Mr. Ray, the attorneys, and the
5 jury.

6 Ms. Polk or Mr. Hughes.

7 MR. HUGHES: Thank you, Your Honor. The state
8 calls Linda Andresano.

9 LINDA ANDRESANO,
10 having been first duly sworn upon her oath to tell
11 the truth, the whole truth, and nothing but the
12 truth, testified as follows:

13 THE COURT: Please be seated to my right.
14 Ma'am, please begin by stating and spelling your
15 full name.

16 THE WITNESS: Certainly. L-i-n-d-a,
17 A-n-d-r-e-s-a-n-o.

18 THE COURT: Thank you.

19 Mr. Hughes.

20 DIRECT EXAMINATION

21 BY MR. HUGHES:

22 Q. Good afternoon.

23 A. **Good afternoon.**

24 Q. By way of beginning, can you tell us from
25 what part of the country or the state you come

1 from.

2 A. **I live in Tucson, Arizona.**

3 Q. How long have you lived in Tucson?

4 A. **Since 1961.**

5 Q. What do you do for a living?

6 A. **I'm a registered nurse.**

7 Q. How long have you been a registered
8 nurse?

9 A. **Since 1975.**

10 Q. At some point did you become aware or
11 familiar with a person by the name of James Ray?

12 A. **Yes, I did.**

13 Q. Can you tell us how you first learned
14 about Mr. Ray.

15 A. **I have a friend in Tucson who told me
16 about a movie, that was being played at a local
17 theater, called "Harmonic Wealth." She invited me
18 to it, had a ticket for me, and I went.**

19 Q. Do you recall what year that was?

20 A. **I'm not quite sure. I think it might
21 have been 2006.**

22 Q. Can you slide the microphone just a
23 little closer?

24 A. **Absolutely.**

25 Q. Thanks. The air conditioner is on right

1 now.

2 Can you -- after you went to that movie,
3 did you ever go to any seminars that Mr. Ray put
4 on?

5 A. **Yes, I did. I went to two. One was a
6 free seminar in Tucson that was also called
7 "Harmonic Wealth." And then I signed up to go to
8 another seminar that I didn't attend for another
9 year or two. And that one was in Chicago,
10 Illinois.**

11 Q. Do you recall what years you went to
12 those two seminars in?

13 A. **Not exactly. I think the one in Chicago
14 was 2009. The free seminar, I believe, was in 2007
15 or 2008.**

16 Q. Do you recall when in 2009 the Chicago
17 seminar?

18 A. **It was in the summer. It was in July, I
19 believe.**

20 Q. Do you know what it was called?

21 A. **I think it was called "Harmonic Wealth."**

22 Q. At some point did you hear about a
23 seminar or a course that Mr. Ray offered called
24 "Spiritual Warrior"?

25 A. **Yes, I did.**

1 Q. Can you tell us when you first heard
2 about that.

3 A. **At the Harmonic Wealth seminar, which was
4 a two-day seminar. There were many breaks during
5 the seminar. And there were books for sale,
6 seminar -- a list of seminars offered. And during
7 those breaks it was encouraged that members of the
8 seminar go to a group of people who were volunteers
9 for this seminar that were called a "Dream Team."
10 They wore, I think, a blue shirt or something.**

11 You could talk to those people about
12 anything that had -- you had questions about or
13 that were maybe issues that -- whatever he talked
14 about struck up for you. And they would encourage
15 you to pursue that farther with another seminar.

16 THE COURT: Mr. Hughes, one second. I'm just
17 getting an indication from the jury.

18 Miss Andresano, they're having trouble
19 hearing you.

20 THE WITNESS: Oh. I'm sorry.

21 THE COURT: Thank you, ladies and gentlemen,
22 for letting us know about that.

23 MR. HUGHES: Your Honor, may I go back very
24 briefly and go over some of the topics?

25 THE COURT: Absolutely.

1 MR. HUGHES: Thank you.

2 Q. I want to make sure everyone heard what
3 you said.

4 Can you tell us, then, how many seminars
5 you had attended prior to the 2009 sweat lodge?

6 A. Two.

7 Q. And you were -- could you tell us the
8 names of those seminars.

9 A. The first one, I believe, was -- well, it
10 seems strange -- as far as I recall, they were all
11 called "Harmonic Wealth." One was a free seminar
12 that was to advertise, encourage -- you know --
13 talk about a seminar that would be held in the
14 future. And then the one I went to in Chicago was
15 called "Harmonic Wealth," to my recollection.

16 Q. Was the Chicago Harmonic Wealth the
17 seminar you were just referring where you first
18 heard of Spiritual Warrior?

19 A. Yes, sir.

20 Q. You mentioned you were encouraged to talk
21 to Dream Team members during breaks?

22 A. Correct.

23 Q. Who encouraged you to talk to the Dream
24 Team members?

25 A. Mr. Ray.

1 Q. Had Mr. Ray mentioned Spiritual Warrior?

2 A. At different times in the seminar, he
3 talked about different seminars that were offered.
4 And there were a number of them, probably -- I
5 don't know the number exactly. Maybe seven or
6 eight of them that were to be held ongoing through
7 the next year.

8 Q. And do you recall what it was about
9 Spiritual Warrior that interested you?

10 A. The people that I talked to and the
11 issues that I talked to them about said that what I
12 would gain the most from would be Spiritual
13 Warrior.

14 Q. Did you then pay to go to Spiritual
15 Warrior?

16 A. Yes, I did.

17 Q. At the time that you paid, did you know
18 what Spiritual Warrior entailed as far as the
19 contents of the week?

20 A. No.

21 Q. At some point did you learn what was
22 going to be involved during the week of Spiritual
23 Warrior?

24 A. No.

25 Q. At some point did you receive a packet in

1 the mail or were you asked to download a packet off
2 the internet?

3 A. Yes.

4 Q. Did you read the packet?

5 A. I did.

6 Q. Do you recall, were there liability
7 waivers in that packet?

8 A. Yes, there were.

9 Q. Did you read those thoroughly?

10 A. Yes. I had questions about what was
11 going to happen and what was -- what the events
12 would be like. When I called, the people that I
13 spoke to that worked for Mr. Ray said that they
14 couldn't explain what would happen but there
15 wouldn't be anything -- he wouldn't do anything
16 that would be dangerous.

17 Q. And did that alleviate any questions that
18 you had?

19 A. Most of them. Yeah.

20 Q. I know it's a delicate subject, but you
21 said I could go there. Was there any of your
22 concerns pertaining to some health issues that you
23 had?

24 A. Yes. In August of 2009 I had surgery on
25 my right shoulder -- a rotator cuff surgery. I was

1 to begin a chemotherapeutic regimen for an illness
2 that I had. I called them wondering if I should
3 start or if whatever was going to happen there
4 would be affected by my surgery or if I would have
5 to -- you know -- use my arm a lot and whether
6 being on this medicine would affect me adversely
7 being at the seminar.

8 Q. And do you remember when you actually
9 arrived at the Spiritual Warrior?

10 A. I believe it was the 3rd, which was a
11 Saturday or Sunday. I believe it was Sunday.

12 Q. And at the time you arrived, did you know
13 that there was going to be a sweat lodge involved?

14 A. I guessed that there was, because I saw a
15 wooden structure that looked like a sweat lodge
16 structure. And I asked someone who was giving me a
17 ride up to the tent that I was staying in if that
18 was a sweat lodge. And they said, yes. And I
19 asked if there was going to be a sweat, and they
20 said, yes.

21 Q. Do you recall who that person was you
22 spoke to?

23 A. Someone that was shuttling people back
24 and forth. And I believe they worked for Angel
25 Valley.

1 Q. Do you remember what day that was that
2 you had the conversation?

3 A. **The first day I was there.**

4 Q. You mentioned you were in a tent. Did
5 you share the tent with anybody?

6 A. **I did.**

7 Q. Who were your roommates?

8 A. **Not by name, but I do remember them.**

9 Q. At -- while you were at the Spiritual
10 Warrior, did you participate in any of the events
11 prior to the sweat lodge?

12 A. **Yes, I did.**

13 Q. Can you briefly tell us the events you
14 participated in.

15 A. **There was a lot of class time, lecture.**
16 **The first event in the evening that we got there**
17 **was a short talk by Mr. Ray and then asking who was**
18 **going to play full on was the way he put it. And**
19 **then a lot of people had their head shaved.**

20 Q. What do you mean a lot of people had
21 their head shaved?

22 A. **He asked who was committed to play full**
23 **on for the week. And part of that commitment was**
24 **to allow their head to be shaved.**

25 Q. And you said "he." To whom are you

1 referring?

2 A. **Mr. Ray.**

3 Q. Were you one of the people who had their
4 heads shaved that week?

5 A. **I was.**

6 Q. Do you remember what day that took place?

7 A. **I believe that was the first evening.**

8 Q. And coming to the seminar, do you
9 remember about how long your hair was?

10 A. **Longer than it is now. About shoulder**
11 **length.**

12 Q. And how much did you have them take off?

13 A. **I think they called it a "No. 4 buzz**
14 **cut." So it was shorter than the gentleman in the**
15 **white shirt's hair.**

16 Q. Is that Detective Diskin you're talking
17 about?

18 A. **Yes, it is.**

19 Q. Do you recall whether Mr. Ray had
20 anything to say about getting sleep during the
21 Spiritual Warrior event?

22 A. **He said there wouldn't be a lot of time**
23 **for that.**

24 Q. And did he explain why?

25 A. **From my recollection, it was because**

1 **whatever you wanted to get out of that week, the**
2 **amount of work that you did may intrude on your**
3 **sleep.**

4 Q. And you mentioned the amount of work that
5 you did. Was that work on your own?

6 A. **Internal sort of work to kind of be all**
7 **you can be or overcome anything that was standing**
8 **in your way of becoming all the person you could**
9 **be.**

10 Q. Did Mr. Ray encourage participants to do
11 any sort of activities at nighttime?

12 A. **Yes.**

13 Q. What sort of activities?

14 A. **We were encouraged to journal regarding**
15 **early sexual experiences.**

16 Q. And did Mr. Ray indicate what time of the
17 day or night you should be working on your
18 journals?

19 A. **Well, not during seminar time. So after**
20 **the class periods were over.**

21 Q. Did you ever stay up at night working on
22 your journals?

23 A. **Oh, yes. I did.**

24 Q. Can you tell us about how much sleep you
25 reckon you got during the night of the Spiritual

1 Warrior event.

2 A. **One night I didn't sleep at all. I think**
3 **I put my head on the table for about 15 minutes two**
4 **or three times. Another night I think I slept for**
5 **an hour.**

6 Q. You mentioned you put your head on the
7 table. Was that in your tent?

8 A. **No. Actually, it was in the common area,**
9 **which is also where the meals were served.**

10 Q. Why would you be there during the
11 nighttime?

12 A. **It was light, there were tables, and**
13 **there were a number of people sitting at tables and**
14 **writing in their journals.**

15 Q. And were you in that area more than one
16 night?

17 A. **I believe it was two nights.**

18 Q. Do you remember which nights those were?

19 A. **I believe it was Monday night for sure.**
20 **Actually, I think it might have only been Monday**
21 **night. I'm not -- I don't recall Sunday night very**
22 **much for some reason.**

23 Q. Do you recall, were there other
24 participants up in that area with you on that night
25 that you do recall?

1 **A. Oh, yes. There were a number of people.**

2 **Q.** Can you give us an idea what you mean by
3 "a number of people."

4 **A. Maybe at the beginning of the evening,**
5 **35, 40 people. I think almost everyone from the**
6 **session, three quarters of the people. I think**
7 **there was about 64, 65 people. So it started with**
8 **about 40 or 45 people. As the evening went on,**
9 **people went to bed. So by the end of the evening**
10 **or by the morning, I think there were about 15, 20.**

11 **Q.** Do you remember the names of any of the
12 people that stayed up that first night until
13 morning?

14 **A. I think someone named Lou was there.**
15 **Someone named Dan. I can remember people's faces**
16 **more than I can remember their names. I'm sorry.**

17 **Q.** Do you remember Lou or Dan's last name?

18 **A. I can't -- I think Lou's last name was --**
19 **two-syllable last name. I can't remember.**

20 **Q.** You mentioned that the night that you
21 definitely remember staying up was Monday night; is
22 that correct?

23 **A. Yes.**

24 **Q.** Do you remember after Monday night
25 whether you participated in any other activities at

1 the Spiritual Warrior event?

2 **A. Yes. Tuesday during the day was**
3 **classroom until about the dinner hour. And then we**
4 **were told about a game that was going to happen**
5 **that night, and a lot of what the seminar was**
6 **talking about was samurai tradition, and the game**
7 **would begin after dinner.**

8 **Q.** And do you remember about what time,
9 then, of the day or the night that the game began?

10 **A. I believe it was sixish, sevenish.**

11 **Q.** Do you remember the name of the game?

12 **A. No, I don't.**

13 **Q.** Did you play that game?

14 **A. Yes, I did.**

15 **Q.** I don't want to spend a lot of time on
16 the game itself. Just so we know what you're
17 talking about, can you tell us briefly what the
18 game entailed.

19 **A. It entailed the group of people,**
20 **participants, being divided into two teams. And**
21 **there were a leader for both teams. And I -- from**
22 **what I recall, this was to simulate the feudal**
23 **system of Japan in samurai time. So one side had a**
24 **feudal lord and then a defender -- or a ninja was**
25 **assigned to each team. And then the rest of us**

1 **were samurai, I believe.**

2 **And what was entailed in the game was if**
3 **the ninja saw you, you had eye contact with him,**
4 **you were dead. Mr. Ray's role in the game was God.**
5 **He played God. And if you saw a ninja, you died.**
6 **If you met in battle with a team member from the**
7 **other side and you lost the battle, you were dead.**

8 **If you died and you were brought to the**
9 **cemetery, for lack of a better word, by the Dream**
10 **Team, who were dressed as death in black cloaks and**
11 **black makeup and black fingernail polish -- if you**
12 **moved while you were in the cemeterylike space,**
13 **then other members of your team would be killed so**
14 **as to --**

15 **Q.** Did you ever get taken to the cemetery?

16 **A. No, I didn't. I lived through the whole**
17 **thing.**

18 **Q.** What happened to the survivors, so to
19 speak?

20 **A. They died anyway.**

21 **Q.** What did you mean you had to die anyway?

22 **A. At the end of the game, those survivors**
23 **were told that a plague had come to the village and**
24 **we were to die an honorable death. So we were to**
25 **kill ourselves.**

1 **Q.** Who told you to do that?

2 **A. Mr. Ray.**

3 **Q.** Do you recall about what time, then, that
4 game ended?

5 **A. I didn't have a watch. Somewhere between**
6 **9:00 and 10:00 in the evening.**

7 **Q.** And can you tell the jury what happened
8 after that game ended that night.

9 **A. Before that battle part of the game, we**
10 **were told to pack for being out for a Vision Quest**
11 **Tuesday night, Wednesday during the day, Wednesday**
12 **night; and we would be picked up on Thursday**
13 **morning.**

14 **So what was your question? When it**
15 **ended?**

16 **Q.** Let me move on. You're fine.

17 Did you participate in the Vision Quest?

18 **A. I did.**

19 **Q.** Were you allowed during the Vision Quest
20 to have any food or water?

21 **A. No.**

22 **Q.** Who told you whether you could have food
23 or water during the Vision Quest?

24 **A. Mr. Ray.**

25 **Q.** Do you recall prior to the Vision Quest

1 whether you were told anything or any time that
2 week whether you were told anything about drinking
3 water or hydrating?

4 **A. Yes.**

5 **Q.** Tell the jury what you recall about that.

6 **A. He said to drink water throughout the**
7 **whole week. And also we were given a packet of**
8 **salt and told to take one teaspoon of salt a day**
9 **and drink lots and lots of water.**

10 **Q.** Can you tell us whom you're referring to
11 when you say "he."

12 **A. Mr. Ray.**

13 **Q.** Thank you. Do you remember when the
14 Vision Quest finally ended?

15 **A. Early morning on Thursday.**

16 **Q.** And what happened after the Vision Quest
17 ended?

18 **A. We had breakfast and then we had more**
19 **class time.**

20 **Q.** Do you recall, did you have breakfast
21 that morning?

22 **A. I did.**

23 **Q.** At some point -- do you remember what day
24 that was that you're at now?

25 **A. Thursday.**

1 **Q.** At some point on Thursday did you learn
2 there was going to be a sweat lodge?

3 **A. I did.**

4 **Q.** Do you recall when during Thursday you
5 learned?

6 **A. Late in the day, maybe 1:00, 12:00 or**
7 **1:00.**

8 **Q.** In the afternoon?

9 **A. In the afternoon.**

10 **Q.** How is it that you came to learn there
11 would be a sweat lodge?

12 **A. Mr. Ray explained that in the classroom**
13 **setting.**

14 **Q.** And did Mr. Ray talk about what the sweat
15 lodge entailed?

16 **A. He did.**

17 **Q.** And can you tell us what you recall him
18 saying about it.

19 **A. That it is a Native American rite, that**
20 **it would be very warm, and that it was a sacred**
21 **rite, and that he had learned a lot about it from**
22 **Native American people.**

23 **Q.** Now, had you ever been in a sweat lodge
24 prior to Thursday in Spiritual Warrior?

25 **A. Yes, I had.**

1 **Q.** Can you tell us a little bit about what
2 you knew about sweat lodges from your experience in
3 them.

4 **A. I've been in both Lakota Sioux sweat**
5 **lodges and Apache sweat lodges facilitated by both**
6 **Native Americans, Lakota Sioux and Apache. And**
7 **I've been in lodges that were facilitated by**
8 **nonnatives. I've been in sweats where there has**
9 **been 8 people. I've been in sweats where there has**
10 **been 15.**

11 **Q.** Do you recall the biggest sweat lodge
12 that you'd been in prior to 2009? By "biggest," I
13 mean number of participants.

14 **A. I think probably between 15 and 20.**

15 **Q.** And just so we know the time frame that
16 we're talking about, can you tell us the time frame
17 of when you've been in prior sweat lodges. What
18 years are those?

19 **A. The first year, I would say, was in the**
20 **late 1990's; and before 2009, probably within that**
21 **year.**

22 **Q.** And do you know about how many sweat
23 lodges in total you had done prior to this event at
24 Spiritual Warrior?

25 **A. 12 to 15.**

1 **Q.** As far as those 12 to 15, do you recall
2 whether -- how long they lasted? Was there any
3 sort of commonality in their length?

4 **A. They were -- the ones that I had**
5 **participated in were divided by what was called**
6 **"doors," a period of time separated by opening the**
7 **door and more rocks being brought in. And usually**
8 **it was four to six -- four to seven doors, one for**
9 **each direction.**

10 **Q.** And were those other sweat lodges heated
11 by rocks?

12 **A. They were.**

13 **Q.** Do you recall about how many rocks would
14 be used during the -- was there any commonality in
15 the number of rocks that were used?

16 **A. It was usually an even number. And it**
17 **was usually two, four. I think four was the most**
18 **I'd ever experienced.**

19 **Q.** And is that -- are you talking about per
20 round?

21 **A. Per round.**

22 **Q.** You mentioned the door would open on the
23 other ones. During the other ones that you had
24 been to, when the door opened, could you feel any
25 sort of a breeze come in?

1 **A. Definitely.**

2 **Q.** And were people -- was there any sort of
3 commonality as to whether participants were
4 encouraged to go outside in between rounds?

5 **A. Yes. In all the sweats I had been in**
6 **before, if anyone felt the need to leave -- let me**
7 **correct that.**

8 **In some of the ones I'd been in, if**
9 **anyone wanted to leave, they left when the door was**
10 **open. They traveled in a clockwise direction. And**
11 **in other ones I'd been in, if one person wanted to**
12 **leave, then we all left.**

13 **Q.** And do you recall whether there was any
14 commonality in the other sweat lodges as far as the
15 leader of the sweat lodge checking on people's
16 health?

17 MR. LI: Objection. Relevance.

18 THE COURT: Overruled.

19 You may answer that.

20 THE WITNESS: I definitely remember that.

21 **Q.** BY MR. HUGHES: What do you recall about
22 that?

23 **A. I recall that during every round and**
24 **numerous times during every round that the leader**
25 **of the sweat would ask how everybody was doing,**

1 **pass water around to either pour on your head or**
2 **drink and offer that if anyone needed to leave, it**
3 **was fine to leave. Just let me know.**

4 **Q.** Had you ever done a sweat lodge where you
5 weren't allowed to have water inside?

6 **A. No.**

7 **Q.** Turning back to the Spiritual Warrior
8 event in 2009, do you remember about how long the
9 briefing was?

10 **A. It was quite short, that I recall.**

11 **Q.** What do you remember by quite short?
12 What do you mean by that?

13 **A. I was surprised that we were still in**
14 **lecture mode, so to speak. I don't recall what the**
15 **subject was at the time. But I recall that we**
16 **heard, now we're going to do a sweat. You have 15**
17 **minutes to go and change clothes. Bring all your**
18 **notes from the time you've been writing through**
19 **the -- the time we wrote during the night and any**
20 **other notes that we had written and meet down at**
21 **the lodge area.**

22 **Q.** Do you recall how much time you did have
23 from the time you were told about the sweat lodge
24 until the time you had to meet down by the lodge?

25 **A. Very short. I would say less than 30**

1 **minutes.**

2 **Q.** And did you drink any water during that
3 time?

4 **A. I had been drinking water throughout the**
5 **day.**

6 **Q.** And how much water would you say you've
7 been drinking that day?

8 **A. When we first got to the event, we were**
9 **given a Nalgene drinking jar. It was probably a**
10 **quart. And I probably drank three to four of**
11 **those.**

12 **Q.** Do you remember in -- on the day that you
13 were told about the sweat lodge, how much you drank
14 that day?

15 **A. I had drank more than three to four the**
16 **days previous. So that day from breakfast until**
17 **the time we went in, I would say three to four.**

18 **Q.** Did you make a point of drinking extra
19 water once you heard about the sweat lodge?

20 **A. Yes. And I had made a point of drinking**
21 **extra water all week because I knew there would be**
22 **a sweat.**

23 **Q.** You said you knew there would be a sweat.
24 Is that because of the conversation you had with
25 that Angel Valley employee earlier in the week?

1 **A. Yes, it is.**

2 **Q.** When you arrived down at the sweat lodge
3 area, can you tell us what you saw down there.

4 **A. There was a canopy area with some chairs**
5 **and tables. The sweat lodge was covered with --**
6 **was completely covered. Not quite sure what all**
7 **the layers were. I know the top layer was some**
8 **cloth.**

9 **Q.** Do you recall tarps being on the sweat
10 lodge?

11 **A. I saw some plastic tarps sticking out.**
12 **Yes, I do.**

13 **Q.** And when you arrived down, did you see
14 any food or water, drinks, anything like that that
15 were set up?

16 **A. I believe on the tables there were some**
17 **containers and maybe a bowl of fruit, I believe.**

18 **Q.** When you were down at that area, did
19 y'all go into the sweat lodge right away when you
20 assembled down there?

21 **A. No.**

22 **Q.** Can you tell us what you did first.

23 **A. We stood in a circle and burned all the**
24 **notes we had taken for the previous days.**

25 **Q.** And after you burned the notes, what

1 happened next?

2 **A. I believe there was a smudging ceremony,**
3 **which is sage smoke, a sage stick that's lit and**
4 **smokes. And it's a blessing before the sweat.**

5 **Q.** When that was done, did people troupe
6 into the sweat lodge kind of willy-nilly, or was
7 there an order to enter the sweat lodge?

8 **A. I think there was an order.**

9 **Q.** Do you recall how people were to enter
10 the sweat lodge?

11 **A. Reverently, on their hands and knees, and**
12 **to say a blessing on the way in, which was common**
13 **with other sweats I had done.**

14 MR. HUGHES: Your Honor, may I approach the
15 witness?

16 THE COURT: Yes.

17 **Q.** BY MR. HUGHES: Ma'am, I'm going to show
18 you Exhibit 143, which is already in evidence, and
19 ask if you recognize yourself in that picture?

20 **A. Yes, I do.**

21 **Q.** What I'm going to do is put it up on this
22 overhead. And the little computer monitor that you
23 have in front of you has the ability to let you
24 touch the monitor. You can put circles and X's and
25 that sort of thing on it.

1 What I'd ask is if you can show us where
2 you are on Exhibit 143. Can you see yourself on
3 that photograph?

4 **A. Yes, I can.**

5 **Q.** So I can zoom in. Can you point out
6 where you are, just tap the screen.

7 Okay. I'm going to zoom in. Can you see
8 the image a little bigger? Can you point out again
9 where you are?

10 Do you happen to know who the people were
11 in front of you or behind you?

12 **A. The girl behind me, I can't remember her**
13 **name. I know she sat in front of me. I know she**
14 **has really long eyelashes. I can't remember her**
15 **name.**

16 **Q.** How about the person -- any other people
17 in that photograph?

18 **A. No. I'm sorry. I don't.**

19 **Q.** That's fine. You mentioned that -- I
20 believe you said you were towards the end of the
21 line to enter.

22 **A. I don't recall where in the line I was.**
23 **I just remember where I was sitting.**

24 **Q.** Let's move to that, then. I'm going to
25 put up Exhibit 414, which is just a rough diagram

1 of the sweat lodge.

2 Now, if you were to assume that the
3 entrance is at maybe the 6:00 o'clock position on
4 that diagram, can you point out to us where you
5 first were sitting inside the sweat lodge.

6 And can you tell us whether you changed
7 positions to a different location at any time
8 during the sweat lodge ceremony.

9 **A. No, I didn't.**

10 **Q.** And would you -- do you happen to recall
11 whether any other particular people were sitting
12 around you?

13 **A. There were people on my right and left**
14 **and another circle of people in front of me.**

15 **Q.** Do you remember where Mr. Ray, the
16 defendant, was sitting?

17 **A. Yes. He was at the entrance.**

18 **Q.** And you mentioned there was a row of
19 people in front of you. Was there anybody sitting
20 in front of Mr. Ray?

21 **A. I don't believe so. No.**

22 **Q.** And do you happen to remember where Kirby
23 Brown was sitting?

24 **A. Around here at 10:00 o'clock on the**
25 **clock.**

1 **Q.** And do you happen to remember where
2 someone named Tess was sitting?

3 **A. Tess. Maybe.**

4 **Q.** I don't want you to guess.

5 **A. I don't recall.**

6 **Q.** That's fine. I'll ask you a couple more
7 memory questions, then we'll move on.

8 **A. Sure.**

9 **Q.** Do you remember where someone named James
10 Shore was sitting?

11 **A. Around where Kirby Brown was sitting on**
12 **the left side.**

13 **Q.** And do you remember where someone named
14 Kristina Bivins was sitting?

15 **A. Right in front of me. That's her name.**

16 **Q.** Was Kristina Bivins the name of the woman
17 you were trying to remember earlier?

18 **A. Yes, it is.**

19 **Q.** How long, then, was the time that you sat
20 in the position that you've indicated? Can you
21 give us a total number of minutes or hours.

22 **A. Three hours.**

23 **Q.** And do you remember approximately -- are
24 you sure about the three hours?

25 **A. I didn't have a watch. So no. I'm not.**

- 1 Q. Could it have been shorter than three
2 hours?
- 3 A. **It could have been. Based on how dark it**
4 **was when it was over or how soon it was dark, it**
5 **was at least two.**
- 6 Q. And you mentioned how dark. Are you
7 referring to the setting of the sun?
- 8 A. **Yes, sir.**
- 9 Q. Do you remember how hot it felt in the
10 position that you've indicated towards the rear of
11 the sweat lodge during the first round?
- 12 A. **Extremely hot.**
- 13 Q. And do you recall whether that
14 temperature or feeling of heat -- did it stay the
15 same or did it change in some way when the water
16 was added to the rocks?
- 17 A. **It was hotter when water was added.**
- 18 Q. Were you able to breathe comfortably
19 while you were inside?
- 20 A. **No.**
- 21 Q. Do you remember how many rounds the sweat
22 lodge ceremony took to run from the beginning to
23 the end?
- 24 A. **I'm aware of there being at least seven.**
- 25 Q. Did you ever feel any cooling during

- 1 those seven rounds while you were in the back of
2 the sweat lodge?
- 3 A. **No, I didn't.**
- 4 Q. At times would the door to the sweat
5 lodge open?
- 6 A. **Yes, it did.**
- 7 Q. Can you tell us when the door would open.
- 8 A. **At the end of each round.**
- 9 Q. And when the door opened, did you ever
10 feel a breeze?
- 11 A. **No, I didn't.**
- 12 Q. You mentioned that there was a row in
13 front of you and then people on either side. Did
14 it feel to you there was ample room to lay down if
15 you wanted to?
- 16 A. **No, there wasn't.**
- 17 Q. Do you think you could have asked someone
18 to move somehow if you wanted to lay down?
- 19 A. **I could have asked.**
- 20 Q. But did it feel to you without making
21 that request that you could just lay down?
- 22 A. **Oh, no. I couldn't.**
- 23 Q. Could you tell us -- if you would,
24 describe for us the seating arrangement that led
25 you to believe that.

- 1 A. **The people next to me were about four**
2 **inches from me, and Kristina was sitting in front**
3 **of me. And I was sitting cross-legged or with my**
4 **legs straight out, and she was sitting about at my**
5 **knee.**
- 6 Q. At some point during the ceremony, did
7 you become aware of something happening to a fellow
8 named Lou or Lou Caci?
- 9 A. **Yes, I do.**
- 10 Q. Tell us what you recall happening.
- 11 A. **He burned his arm.**
- 12 Q. Do you remember -- I'm sorry.
- 13 A. **One or both arms.**
- 14 Q. Did you actually see it happen?
- 15 A. **No. It was dark.**
- 16 Q. And do you recall approximately when
17 during the ceremony it took place? In other words,
18 which rounds?
- 19 A. **To my best recollection, third or fourth.**
- 20 Q. And how is it that you became aware of
21 Lou burning himself?
- 22 A. **He screamed.**
- 23 Q. And was it a -- can you tell us how loud
24 the scream was.
- 25 A. **It was very loud.**

- 1 Q. Do you recall what happened after Lou
2 burned himself?
- 3 A. **I believe he left the sweat.**
- 4 Q. Do you remember if Mr. Ray said anything
5 after Lou burned himself?
- 6 A. **I think he said something encouraging**
7 **like, you'll be okay, or -- you know -- relax.**
8 **That's the best of my recollection.**
- 9 Q. Do you remember whether Lou burned
10 himself at the beginning, the middle or the end of
11 one of the rounds?
- 12 A. **No, I don't.**
- 13 Q. Do you remember if the round ended when
14 Lou burned himself?
- 15 A. **No, I don't.**
- 16 Q. Do you recall whether at any point during
17 the sweat lodge event seeing anything that would
18 lead you to believe that people were lifting up the
19 sides of the tent?
- 20 A. **Yes, I did.**
- 21 Q. Tell us what you recall.
- 22 A. **Because it was daylight, there was a time**
23 **near where I was sitting that light came in at the**
24 **bottom of the lodge.**
- 25 Q. Do you remember which round that was?

1 **A. Early on. I don't recall which one.**
 2 **Q.** And do you remember how many times you
 3 saw light come in when a round was going and the
 4 door was closed?
 5 **A. I believe just once.**
 6 **Q.** How were you doing yourself physically
 7 and mentally as this sweat ceremony was
 8 progressing?
 9 **A. It was very hot and became weaker as the**
 10 **rounds progressed.**
 11 **Q.** Now, you mentioned you had done quite a
 12 few sweat lodges before this. Did the heat in this
 13 sweat event appear greater or less, or can you
 14 characterize it to the other ones you've been in?
 15 **A. It was much hotter than any one I've been**
 16 **in before.**
 17 **Q.** As the event progressed, were you aware
 18 of things that were going on in other places in the
 19 sweat lodge itself?
 20 **A. At one point I heard someone say there**
 21 **was a commotion to my right, meaning some people**
 22 **talking. And I heard someone say -- and I don't**
 23 **know who it was -- she's having trouble. She is**
 24 **having trouble.**
 25 **And I heard Mr. Ray say, she'll be okay.**

1 **Just let her breathe or leave her alone. She'll be**
 2 **all right.**
 3 **Q.** What were the, if you can give us an
 4 idea, the relative volumes or amount of loudness to
 5 the voices that you just described?
 6 **A. Not terribly loud, because it was -- when**
 7 **there wasn't anything else going on, it was very**
 8 **quiet in the sweat. So you could hear something at**
 9 **this volume.**
 10 **Q.** I'm going to move in time a little bit.
 11 After the sweat lodge ceremony was over, do you
 12 recall a couple weeks later giving an interview to
 13 a detective named Detective Willingham?
 14 **A. I do.**
 15 **Q.** Do you remember what day it is you talked
 16 to her?
 17 **A. Not the day of the week, but I believe it**
 18 **was the 28th or 29th of October.**
 19 **Q.** Do you recall during that interview
 20 whether you told Detective Willingham about the
 21 voices that you just described?
 22 **A. I did not.**
 23 **Q.** And can you tell us why you didn't
 24 mention that during the interview?
 25 **A. At the time I talked to her, I was**

1 **consciously trying not to say anything for or**
 2 **against Mr. Ray.**
 3 **Q.** And why is that?
 4 **A. At the time I was very -- I was very**
 5 **grateful to be alive. And I thought the most**
 6 **important thing about the sweat lodge was that I**
 7 **didn't die. I just didn't want to say anything.**
 8 **Q.** In fact, after the sweat lodge ceremony,
 9 the Spiritual Warrior weekend, did you go to any
 10 other events that Mr. Ray put on?
 11 **A. Yes. I went to one in San Diego.**
 12 **Q.** Do you remember about when that was?
 13 **A. I don't remember the date.**
 14 **Q.** Do you remember about how long after the
 15 Spiritual Warrior weekend that you went to the
 16 San Diego event?
 17 **A. It wasn't very long. It was probably**
 18 **less than a month, maybe even only a couple of**
 19 **weeks.**
 20 **Q.** Do you remember the name of that event?
 21 **A. I think it was World Wealth something.**
 22 **Foundation maybe.**
 23 **Q.** Were you a member of the World Wealth
 24 Society?
 25 **A. No, I wasn't.**

1 **Q.** You mentioned that Kristina -- turning
 2 back to the sweat lodge. You mentioned Kristina
 3 was sitting in front of you?
 4 **A. Uh-huh.**
 5 **Q.** Did she ever shift or change her position
 6 as she sat in front of you?
 7 **A. Yes, she did.**
 8 **Q.** Tell us, if you would, approximately
 9 when, if you remember, and how she changed her
 10 position.
 11 **A. I believe it was the -- either in the**
 12 **seventh round or at the beginning of the seventh**
 13 **round. And I heard someone say, it's the seventh**
 14 **round. There is only two left.**
 15 **And I said, don't say that. I'm more**
 16 **than two more. And she asked if she could lay**
 17 **back.**
 18 **Q.** And by "she," whom are you referring?
 19 **A. Kristina.**
 20 **Q.** Okay.
 21 **A. I said, certainly. She had put her head**
 22 **on my chest.**
 23 **Q.** And when Kristina moved back, could you
 24 feel any difference in the air temperature inside?
 25 **A. Yes. It was substantially warmer without**

1 her in front of me.

2 Q. Was she sitting between you and the pit?

3 A. She was.

4 Q. Do you recall whether you stayed
5 conscious during the entire sweat lodge ceremony?

6 A. I did not.

7 Q. Do you remember at what point you lost
8 consciousness?

9 A. Somewhere after the seventh round or that
10 conversation about the seventh round.

11 Q. Prior to losing consciousness, did you
12 feel it coming?

13 A. I felt weaker, and I was holding onto the
14 frame of the lodge. And I remember saying to
15 myself, it's a good day to die. And that's the
16 last thing I remember.

17 Q. Ms. Andresano, do you recall why it is
18 you said that to yourself?

19 A. Well --

20 Q. If you need to take a minute, we'd
21 understand.

22 A. A lot of the conversation through the
23 week was about dying an honorable death. And that
24 was the crux of the lectures about samurai
25 tradition -- being -- living an honorable life, but

1 more than that, dying an honorable death. And
2 that's what the game was about, that people died
3 for their village. They died for the people they
4 were entrusted with caring for or defending.

5 And I got -- I understood that that was
6 the point of the lectures through the week was that
7 a lot of -- and Mr. Ray said on a number of
8 occasions, a lot of people think that they will
9 live forever. He said that a number of times. A
10 lot of people live as though they will never die.

11 And the point of the conversation, as far
12 as I could tell, was that people die, you will die,
13 and you can chose to live honorably and to die
14 honorably.

15 So I feel that in the sweat I was trying
16 to be honorable by staying. And I felt that --
17 when I said that, I felt like this is an honorable
18 way to die.

19 Q. Prior -- at some point prior to the start
20 of the sweat lodge and after the end of the Vision
21 Quest, had you or other participants been directed
22 to write your own obituary?

23 A. Yes. Yes, we had.

24 Q. Can you tell us how that came about.

25 A. It was part of the classroom, to my

1 recollection. And it was to -- in my opinion, to
2 look back on your life that day, like if you died
3 today, what would people say about you, what would
4 your obituary read today.

5 So if you haven't accomplished what you
6 want to accomplish in your life, what are you
7 waiting for? That's very good teaching. But
8 that -- that's what the obituary was for. If you
9 died today, have you, basically, done everything or
10 been everything that you wanted to be or do.

11 Q. And how long before the start of the
12 sweat lodge event did that writing assignment take
13 place?

14 A. I don't recall. It may have been during
15 that day, and it may have been the day before.

16 Q. The day before the sweat lodge ceremony,
17 was that the day you were out on the Vision Quest?

18 A. Actually, it is. So it could have been
19 Tuesday.

20 Q. Do you remember one way or the other?

21 A. Thursday.

22 Q. You mentioned that prior to blacking out,
23 you said to yourself, it's a good day to die. Did
24 you think to yourself, I need to get out of here?
25 I need to leave?

1 A. No, I didn't.

2 Q. As a nurse, were you thinking about the
3 heat and its effect on you?

4 A. No, I wasn't.

5 Q. Why is it that you -- when you're
6 thinking to yourself, it's a good day to die, why
7 is it, then, that you stayed inside?

8 A. I don't have any answer for that. The
9 only thing I can think of is what I said before,
10 that I believed what he said about an honorable
11 death, and I didn't want to -- you know -- at the
12 very beginning he said, are you going to play
13 full-on? So I was playing full-on.

14 Q. Was that important to you to play full-on
15 during the sweat lodge?

16 A. Yes, it was. I also felt like I didn't
17 want to disappoint Mr. Ray. Some of the things
18 that we chanted in the sweat lodge were, I am more
19 than this. And I chanted that loudly. I am more
20 than this.

21 Q. Did you feel like you could speak up and
22 call out for help while a round was going on?

23 A. I don't know. Sounds so weird, but I
24 don't -- I don't know why I didn't. Because as a
25 nurse -- if anybody else would have been -- if I

1 would have been sitting next to me and I would
2 have -- this sounds strange. If I would have been
3 more in my nurse mode, in my conscious mind, in my
4 own practical mind, and someone was in the shape
5 that I was in, I would have said, get the hell out
6 of here. You're not doing well. You need to get
7 out of here. And I don't understand.

8 Q. Did you feel clearheaded at that point?

9 A. Apparently not. Because if I'd been in
10 my right mind, I would have gotten out of there.

11 Q. After thinking that it might be a good
12 day to die, what's the next thing you remember?

13 A. I remembered laying face down in the dirt
14 outside the lodge with some people from the Angel
15 Valley were spraying water on me and talking to me,
16 talking to me, asking me if I could drink
17 something.

18 Q. Do you know at that point whether the
19 sweat lodge event was still going on or not?

20 A. Not for a while.

21 Q. What do you mean "not for a while"?

22 A. I was not aware of my surroundings for a
23 while. When I became aware of my surroundings
24 again and looked around, I assumed it was over.
25 There were a lot of people on the ground and a lot

1 of people out walking around.

2 Q. Do you know how you got out of the sweat
3 lodge?

4 A. No, I don't.

5 Q. You mentioned there were people around.
6 After a while you became aware of people around
7 you. Can you tell us what you saw around you.

8 A. I saw rocks on the grounds. I saw wood.
9 I saw people laying on the ground. I remember
10 asking if there had been an explosion. I thought
11 maybe the rocks had exploded in the pit. It looked
12 like there were people that were injured. And I
13 thought I saw people doing CPR to my left.

14 Q. And how were you feeling at that point?

15 A. Very, very, very strange.

16 Q. Can you give any sort of description what
17 you mean by "very strange."

18 A. When I first woke up, I didn't -- I
19 asked -- I remember asking myself if I was dead.
20 And when I did hear these voices talking to me,
21 they sort of were far away. And then the sound
22 became more clear.

23 I remembered looking at my hands. And
24 they didn't look like my hands. And I -- they
25 looked fuzzy or like there were -- like they were

1 vibrating. It was very strange, surreal looking.

2 And then I remember thinking, I'm not
3 dead and I'm not going to die. And so -- and then
4 I remember saying, get your shit together and hang
5 on and wake up. Get it together.

6 Q. Do you remember where in reference to the
7 door of the sweat lodge you were lying?

8 A. Right there. Maybe a little farther.

9 Q. Let me show you what's marked -- admitted
10 as Exhibit 144. Can you see on that photograph
11 approximately where it was that you were lying?

12 A. Around this area.

13 Q. Were you on the ground or were you on a
14 tarp?

15 A. I was on the ground.

16 Q. Do you know how long you lay on the
17 ground?

18 A. No, I don't.

19 Q. At some point you mentioned someone
20 sprayed water on you. Do you remember, was that
21 with a bucket or a hose?

22 A. A hose.

23 Q. Do you remember, did you receive any
24 other sort of first aid or assistance after having
25 that water sprayed on you?

1 A. I remember someone giving me some water
2 to drink and some juice.

3 Q. And do you know who that person was?

4 A. They were the people that had built the
5 lodge. One person's name was Fern. I think that
6 might be her. And then a couple that were from
7 Angel Valley. I think the girl's name was Donna.
8 I don't remember the man's name at the moment.

9 Q. Could Fern have been named Fawn?

10 A. Could have been.

11 Q. Do you remember one way or the other?

12 A. No. I don't remember. I know it started
13 with an "F."

14 Q. Do you remember how long you stayed
15 there, then, on the ground until you received
16 additional help?

17 A. Not in minutes. But I laid there for a
18 while. And then I was -- I said I was cold, and I
19 was wrapped in a moving blanket, a big, thick
20 quilted blanket. And they helped me take my dress
21 off since it was wet. And then the next thing I
22 remember is being in a golf cart and taken up to
23 one of the -- a room in one of the houses.

24 Q. Was the room you were taken -- was that
25 near the tent that you had been sleeping in?

1 **A. No. It was quite a ways away. It was**
2 **more up by the dining area.**

3 **Q.** And do you recall what happened when you
4 were taken up to that room?

5 **A. My roommate from the tent came up and**
6 **brought me some clothes. And I laid on the couch**
7 **and just wanted to sleep. I had a headache. I was**
8 **nauseated. Some short time after I took a shower,**
9 **went back on the couch. And someone came in and**
10 **said that -- he said that there was medical**
11 **personnel in the dining area, and if anybody needed**
12 **to be seen, to go over there. I believe that's**
13 **what they said.**

14 **And I said, I think I'm fine. I'm just**
15 **going to lay here, and I don't really feel like**
16 **getting up again.**

17 **And then a short time after, I don't know**
18 **how long, I said, I think I need to be seen.**
19 **Because my head was hurting and I was very**
20 **nauseated. I couldn't seem to wake up.**

21 **Q.** You said you were nauseated. Did you
22 ever throw up?

23 **A. No, I didn't.**

24 **Q.** At that point were you sweating?

25 **A. No, I wasn't.**

1 **Q.** Do you recall sweating at any point after
2 you were outside the sweat lodge?

3 **A. No, I don't. I don't recall that.**

4 **Q.** You said you were seen by somebody?

5 **A. Yes. An EMT or an ambulance, someone to**
6 **do with the medical field.**

7 **Q.** And did they take you any place?

8 **A. Yes. They took me to an ambulance, which**
9 **had mechanical difficulties. So it was parked**
10 **there for some time. They started an I.V., and**
11 **then another ambulance came. And I was transferred**
12 **into that ambulance and then taken to Verde Valley.**
13 **I think it's called "Verde Valley Medical Center."**

14 **Q.** Were you treated at the hospital?

15 **A. I was.**

16 MR. HUGHES: Your Honor, the state would move
17 for the admission of Exhibit 151 and 152.

18 MR. LI: No objection, Your Honor.

19 THE COURT: 151 and 152 are admitted.

20 (Exhibits 151 and 152 admitted.)

21 **Q.** BY MR. HUGHES: Ms. Andresano, you
22 mentioned you had an IV given to you?

23 **A. That's correct.**

24 **Q.** Do you remember about how much fluid you
25 were given?

1 **A. I believe two liters, all together**
2 **probably three liters.**

3 **Q.** That was a bad question. Do you remember
4 how much you got while were you in the ambulance?

5 **A. I think one liter.**

6 **Q.** Do you remember how long that ambulance
7 took?

8 **A. Including being in the one that wasn't**
9 **moving?**

10 **Q.** Well, let's start there. Then we'll zero
11 down.

12 **A. I was probably in the first ambulance at**
13 **least 30 minutes to an hour while another ambulance**
14 **came. And then the ride to the hospital, I would**
15 **guess -- I don't really know. I was sleeping most**
16 **of the time. I'm guessing -- I would be guessing.**
17 **I don't know how long it took.**

18 **Q.** And how were you feeling at that point?

19 **A. Very tired, still nauseated, still had a**
20 **headache.**

21 **Q.** Did you ever throw up that night?

22 **A. Not that I recall.**

23 **Q.** Did you have any foam at your mouth?

24 **A. Not that I recall.**

25 **Q.** Were you sweating at all?

1 **A. No. I don't think I was. I think I was**
2 **shivering.**

3 **Q.** I apologize. This is an impolite
4 question. But did you have any diarrhea?

5 **A. Not that I recall.**

6 **Q.** Do you remember how long you were at the
7 hospital for?

8 **A. I think it was 3:00 o'clock when we got**
9 **picked up by someone from the Dream Team. It was**
10 **3:00 a.m. Maybe four hours.**

11 **Q.** Do you remember what you were diagnosed
12 with at the hospital?

13 **A. I believe dehydration.**

14 **Q.** Now, at some point after the Spiritual
15 Warrior ceremony ended, you mentioned that you
16 began the chemotherapy treatment?

17 **A. That's correct.**

18 MR. LI: Objection, Your Honor, relevance.

19 THE COURT: Mr. Hughes?

20 MR. HUGHES: Your Honor, I'm going to ask her
21 about some of the symptoms she was feeling at that
22 point in time.

23 THE COURT: With regard to symptoms,
24 overruled.

25 You may proceed.

1 MR. HUGHES: Thank you.

2 Q. Prior to -- after you got out of the
3 hospital and prior to the start of the chemotherapy
4 drugs, did you observe or feel any symptoms or any
5 difference in yourself from before you started the
6 sweat lodge?

7 A. I was very tired for the next few days.
8 That's all I recall.

9 Q. Do you remember if your headache went
10 away or not?

11 A. It did.

12 Q. Do you remember how long it lasted?

13 A. I was given medication in the hospital
14 for nausea and for headache. And those symptoms
15 went away that evening. The next day I was
16 nauseated, not as badly, and I did have a slight
17 headache. I seemed to feel better when I drank
18 some more juice and water. Within a couple of days
19 I think just that tired feeling.

20 Q. And I forgot to ask. Did you have lunch
21 on the day after -- the day that the sweat lodge
22 ceremony took place?

23 A. No, we didn't.

24 Q. Do you recall what you had for breakfast
25 that day?

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1 A. It's a vegetarian lodge. So we had --
2 what I had was fruit and some juice. And I believe
3 I had some kind of cereal.

4 Q. Going into the sweat lodge, did you feel
5 like you were safe?

6 A. I did.

7 Q. Did you feel like you would be safe
8 during the sweat lodge event?

9 A. I did.

10 Q. And can you tell us why.

11 A. Particularly from other sweats that I'd
12 been in and the instructions that I'd always heard
13 was that the leader of the sweat doesn't sweat.
14 Meaning it wasn't -- it's not for the leader to
15 have an experience, quote, unquote. It's for the
16 leader to facilitate other people having a
17 spiritual experience. And their job is to make
18 sure that everyone is safe and that everyone has
19 the experience that they need to have without
20 injury or without danger.

21 Q. And did you feel like that happened in
22 this case?

23 MR. LI: Objection. Calls for a legal
24 conclusion, opinion.

25 THE COURT: Overruled.

1 You may answer that.

2 THE WITNESS: I do not feel that.

3 Q. BY MR. HUGHES: During the sweat lodge
4 ceremony, did Mr. Ray ever periodically stop and
5 ask the participants how they were doing?

6 A. I don't recall him asking if people were
7 okay as much as encouraging us to continue, i.e.,
8 you are more than this.

9 Q. At your prior experiences in the sweat
10 lodges, had you received briefings in advance of
11 what you were to expect?

12 A. Mostly about drinking water and staying
13 hydrated and the reason for being hydrated.

14 Q. And I'm not sure if I asked you or not.
15 On those prior ones were you allowed to have water
16 inside the lodge?

17 A. Yes, we were.

18 Q. I'm not sure if I asked that. Were you
19 allowed to have water inside Mr. Ray's sweat lodge
20 event?

21 A. I don't recall.

22 Q. You mentioned that you recall at least
23 one incident where some light came in when a flap
24 was being opened up. Can you tell us, was there
25 any response to that occurrence by Mr. Ray?

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1 A. Yes, there was. He asked if someone had
2 a flashlight. And he sounded upset by the fact
3 that there was light in there and stated that this
4 is a sacred space, and, I'm going to paraphrase,
5 that that's not allowed.

6 Q. Do you recall who controlled how long the
7 different rounds lasted?

8 A. Mr. Ray.

9 Q. And who controlled how long the
10 intermissions were between the rounds?

11 A. Mr. Ray.

12 Q. Do you know who was putting water on the
13 rocks?

14 A. Mr. Ray.

15 Q. Could you see that from your location?

16 A. No, I couldn't.

17 Q. What leads you to believe Mr. Ray was the
18 person who was putting the water --

19 MR. LI: We'll stipulate that Mr. Ray was
20 putting the water on the rocks.

21 THE COURT: There is a stipulation.

22 Q. BY MR. HUGHES: Can you tell us what led
23 you to believe he was doing that?

24 A. He had the bucket next to him.

25 Q. Can you tell us -- at the point that you

1 felt close to passing out, can you tell us how you
2 felt your strength at that point?

3 **A. I felt very weak.**

4 **Q.** Did you feel like you could crawl out?

5 **A. No, I didn't.**

6 **Q.** And were you sitting up or were you
7 laying down at that point?

8 **A. I was sitting up, leaning against the
9 frame of the sweat.**

10 **Q.** And when you thought that that's a good
11 day to die, did you really think that you were
12 going to die?

13 **A. I don't know that I cared. Sort of
14 surrendered and kind of -- I didn't feel like
15 fighting to not die.**

16 MR. HUGHES: Your Honor, we've been about
17 close to 90 minutes. Would this be a good place to
18 take a break?

19 THE COURT: Yes. Thank you, Mr. Hughes.

20 Ladies and gentlemen, we will take the
21 afternoon recess. We did start early, so we may
22 take two shorter ones. So please be back in 15
23 minutes, or be in the jury room in 15 minutes ready
24 to reassemble.

25 I want to talk to Ms. Andresano a minute

1 about the rule of exclusion of witnesses, which has
2 been invoked. That just means you cannot talk to
3 other witnesses about your testimony or the case in
4 any way until it's over. You really can't
5 communicate in with other witnesses until the trial
6 is completely over. You can talk to the lawyers,
7 however, as long as other witnesses are not
8 present.

9 THE WITNESS: Yes, sir.

10 THE COURT: We will be in recess. Thank you.
11 (Recess.)

12 THE COURT: The record will show the presence
13 of the defendant, Mr. Ray; the attorneys, the jury.
14 And Ms. Andresano has returned to the witness stand
15 and is under oath.

16 Mr. Hughes.

17 MR. HUGHES: Your Honor, may we approach?

18 THE COURT: Okay.

19 (Sidebar conference.)

20 MR. LI: The objection is the state has just
21 now said that they're going to play a clip. Even
22 in the prior practices where we've complained about
23 the notice, usually they'd given us notice on the
24 morning of or the night before. But literally as
25 the jury is walking in, I see a CD sitting on

1 counsel table. It hasn't been moved into evidence.
2 We have no idea what the clip actually is. It's
3 just an exhibit number that's 591.

4 MR. HUGHES: 751.

5 MR. LI: 751. We have no idea what it is.
6 It's not cross. It's not a prior. It's actually
7 being moved to be admitted. We'd object and ask
8 that it not be allowed.

9 MR. HUGHES: Your Honor, the Exhibit 751 is a
10 portion of an exhibit that's already admitted,
11 which is Exhibit 747. 747 is the entire 40-minute
12 presweat lodge briefing. We want to play a
13 portion, which is marked really for identification
14 purposes, of seven -- which is marked as 751. The
15 time is on --

16 But it's -- 747 is admitted. It would be
17 appropriate for me to publish an admitted exhibit.
18 I just want to play a portion of that for purposes
19 of identification. The subportion is Exhibit 751.
20 But, again, it's content that's already been
21 admitted.

22 THE COURT: And the form of the question is
23 going to be what, Mr. Hughes?

24 MR. HUGHES: I'm going to lay some foundation
25 about her previous statements about the theme of

1 submitting to death. And this particular portion
2 of the presweat lodge briefing talks about -- for
3 example, it says, and you've got to just -- you've
4 got to surrender to it. You have to get into the
5 sacred space. And it goes on, talks a little more
6 about what they can expect to see happen in the
7 sweat lodge.

8 MR. LI: Your Honor, No. 1, it's cumulative.
9 The entire project of putting on one witness's
10 state of mind about why they're doing something,
11 what's going on in their head and whether they feel
12 like they're surrendering and giving up and it's
13 okay to die has nothing to do with any of the
14 decedents' state of mind. Has nothing to do with
15 the charged crime of manslaughter.

16 It's entirely prejudicial just because
17 this one witness has this opinion. This is the
18 only witness who has ever said she has these
19 essential -- I don't know if she has depression
20 issues or what her particular problem is.

21 But to try to sort of link it up to this
22 tape and announce it literally as the jury is
23 walking in, we don't have the ability to sort of
24 build the context around it --

25 All of this was metaphorical. Nobody

1 intended for it to be taken seriously. I think it
2 would be crazy to play the 45 minutes now. The
3 jury has already heard it. I think this is highly
4 prejudicial and inappropriate.

5 THE COURT: It's already in evidence. It
6 already can be referred to in closing and
7 mentioned. And this is to call attention to one
8 aspect of a 43-minute tape, something to that
9 effect. So really on 403 grounds, it would
10 absolutely isolate this and redirect it to that one
11 point. So I'm going to sustain the objection.

12 (End of sidebar conference.)

13 THE COURT: Mr. Hughes.

14 Q. BY MR. HUGHES: Ms. Andresano, just a
15 couple more questions, then I'll be done.

16 You mentioned that you had an unclear
17 recollection of exactly what day you were supposed
18 to actually do these obituaries. Do you remember
19 that?

20 A. That's correct.

21 Q. I'm going to show you a portion of the
22 syntax for the week, which is Exhibit 253, which is
23 already admitted in evidence, and ask if referring
24 to that could refresh your recollection as far as
25 what portion of the week the obituaries were

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1 prepared. And if it doesn't refresh your
2 recollection, you're fine to say that too.

3 A. This would have been Tuesday night.

4 Q. And do you recall, then, for example, if
5 we were to use the Samurai Game as a point in
6 reference, did that occur -- at what point around
7 the Samurai Game did that occur? Before or after?

8 A. Before the Samurai Game, the battles.

9 Q. You mentioned that as you were outside
10 the sweat lodge, someone brought you some juice and
11 some water to drink?

12 A. Correct.

13 Q. Do you know who that was?

14 A. I believe it was people who worked at
15 Angel Valley.

16 Q. Do you know where the juice or the water
17 came from?

18 A. No.

19 Q. Can you tell us what it was carried in?

20 A. A paper cup, I think.

21 Q. You mentioned -- I think you said, we got
22 picked up at Verde Valley Medical Center. Can you
23 tell us who "we" is.

24 A. Four other participants, one of whom was
25 Kristina Bivins. The girl that rode with me on the

1 ambulance. I don't recall her name.

2 Q. Do you recall any of the others?

3 A. I don't recall the names of anyone. I
4 believe it was four of us.

5 Q. You had mentioned that you're a nurse.
6 And I forgot to ask you what type of nurse are you
7 or were you at the time this event took place.

8 A. At the time I worked at the hospital in
9 Tucson on general surgery and medical floors. I
10 had just changed jobs within eight months of that
11 time. Prior to that I was a recovery room nurse
12 for 17 years.

13 Q. And you talked about prior to going in
14 the sweat lodge, there was a smudging ceremony with
15 sage?

16 A. Correct.

17 Q. Had you ever been involved in one of
18 those prior to the other sweat lodges you talked
19 about?

20 A. Yes.

21 Q. Did you ever get sick from any of those
22 other smudging ceremonies?

23 A. No.

24 Q. Did you ever get sick from any of the
25 other sweat lodges you'd been in?

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1 A. I've come out of them dizzy and weak
2 momentarily, two or three minutes.

3 Q. And do you recall how long the previous
4 sweat lodges ran?

5 A. They varied from an hour to an hour and a
6 half, to my recollection.

7 Q. Thank you. I don't believe I have any
8 other questions?

9 A. Certainly.

10 THE COURT: Thank you, Mr. Hughes.

11 Mr. Li.

12 MR. LI: Thank you, Your Honor.

13 I apologize.

14 CROSS-EXAMINATION

15 BY MR. LI:

16 Q. On direct examination Mr. Hughes had
17 asked you about the haircuts or the hair-shaving
18 event. One of the speeches or reasons to do it
19 was, in your words, was to play full-on or
20 something like that; correct?

21 A. That's correct.

22 Q. Was it also the case that it was an
23 opportunity to confront the -- looking for a better
24 word -- perhaps vanity, attachment to appearances?

25 A. I believe so.

1 **Q.** And didn't Mr. Ray say -- if you
2 remember, didn't Mr. Ray say if you cut your hair,
3 it's up to you? If you don't cut your hair? It's
4 up to you?

5 **A. He did.**

6 **Q.** And didn't he say, if you don't cut your
7 hair, just ask yourself why, words to that effect?

8 **A. Yes. I believe he did.**

9 **Q.** And the point I'm making is that -- first
10 of all, my name is Luis Li.

11 **A. Thank you. I was going to ask.**

12 **Q.** I apologize. That's rude of me. And I
13 represent Mr. Ray.

14 And the point of that was to examine
15 yourself; correct?

16 **A. Yes. I believe so.**

17 **Q.** And everybody who walks up and is asked
18 and challenged whether they should cut their hair
19 has to examine their own reasons to do it or not to
20 do it; correct?

21 **A. I can't speak for everyone.**

22 **Q.** Because everybody else has their own
23 reasons; right?

24 **A. I can't speak -- sure. I guess so.**

25 **Q.** All I'm saying is that we're all

1 different; correct?

2 I'm sorry?

3 **A. That is correct.**

4 **Q.** Thank you. We just have a court
5 reporter. She has to take down everything you say.

6 We all have our different reasons for
7 doing one thing or doing another thing; right?

8 **A. Yes.**

9 **Q.** And we all have different reasons for
10 deciding to cut your hair. I had my hair cut on
11 Sunday. I did it for one reason. And when you
12 went to Spiritual Warrior in 2009, you cut your
13 hair for a different reason; right?

14 **A. Yes.**

15 **Q.** And I guess the point I want to see if
16 you would agree with me about is just that every
17 single person in this world is different?

18 **A. Okay.**

19 **Q.** And every single person in this world has
20 their own reasons for doing one thing versus
21 another; correct?

22 **A. I would agree with that.**

23 **Q.** And so, for instance, your reason for
24 doing something might not be the same as another
25 person's reasons for doing something; right?

1 **A. Yes.**

2 **Q.** And what you're thinking about a
3 particular exercise really is your own individual
4 experience; right?

5 **A. Yes.**

6 **Q.** And it's not somebody else's. What
7 you're thinking about, say, the Samurai Game, or
8 something like that, isn't the same experience that
9 a six-foot-five, 230-pound cowboy might be thinking
10 about the same game?

11 **A. I don't know what -- I don't know.**

12 **Q.** You don't know what he's thinking, do
13 you?

14 **A. Only from what I would be told.**

15 **Q.** Only from what he tells you what he's
16 thinking; right? I'm sorry. This is sounding like
17 philosophy. But really all I'm getting at is we're
18 all different; right?

19 **A. We are all different.**

20 **Q.** And we all have different ways of looking
21 at problems; right?

22 **A. As a general rule, I would say yes.**

23 **Q.** And we all have different life history?

24 **A. We do.**

25 **Q.** And we have all suffered different things

1 in our past?

2 **A. We have.**

3 **Q.** And we've all had different celebrations
4 in our past?

5 **A. We have.**

6 **Q.** And all of these things make us into
7 different individuals, all of whom have different
8 reasons for doing all the different things we do;
9 right?

10 **A. That's correct.**

11 **Q.** Now, part of the Spiritual Warrior
12 seminar is, in part, to tap into all of the
13 different individual reasons why people are doing
14 one thing versus another; correct?

15 **A. I believe that's what the purpose is.**
16 **Yes.**

17 **Q.** For instance, when you went to Spiritual
18 Warrior in 2009, you had specific things that you
19 wanted to work on. And I'm not going to pry at
20 all, but you had some very serious things that you
21 wanted to work on for yourself?

22 **A. That's why I was encouraged to go to**
23 **that. Yes.**

24 **Q.** In fact, that's why you chose to go;
25 correct?

- 1 **A. Yes. That's correct.**
 2 **Q.** And other people went to work on whatever
 3 particular issues they might have?
 4 **A. I can only guess.**
 5 **Q.** Okay. But they weren't working on your
 6 issues; right?
 7 **A. So far as I know, they were not.**
 8 **Q.** And one of the things -- just to talk
 9 very quickly about this obituary issue, it was on
 10 Tuesday night, was it not?
 11 **A. I believe it was, according to the**
 12 **schedule I'm looking at.**
 13 **Q.** It was part of the Samurai Game, wasn't
 14 it?
 15 **A. Yes. I believe it was.**
 16 **Q.** So if the Samurai Game was on Tuesday
 17 night, then the obituary exercise was also Tuesday
 18 night?
 19 **A. That's correct.**
 20 **Q.** And the purpose behind it was to see if
 21 you're -- if you died right now, are you the kind
 22 of person you want to be?
 23 **A. That's what I said earlier. Yes.**
 24 **Q.** And a friend of mine recently passed. I
 25 went to a big ceremony where they gave a eulogy of

- 1 him. And I can guarantee you everybody in the
 2 audience was ashamed at how little they had
 3 contributed to the world after hearing that.
 4 And that's part of what you want to be
 5 able to write the obituary that you're proud of
 6 when you've lived the life that God has allowed you
 7 to live; right?
 8 **A. As I said, I believe that was the purpose**
 9 **of writing the obituary.**
 10 **Q.** It wasn't about dying, was it?
 11 **A. The point was if you died today, what**
 12 **would your obituary say.**
 13 **Q.** It was about your life?
 14 **A. Correct. About your life.**
 15 **Q.** It was about could people celebrate your
 16 life; right?
 17 **A. I don't know about that.**
 18 **Q.** Then let me rephrase. I guess it's more
 19 personal than that. It was would you be proud of
 20 the life that is written up in your obituary?
 21 **A. As I said, yes. That was, I believe, the**
 22 **point.**
 23 **Q.** Because life is precious?
 24 **A. That's correct.**
 25 **Q.** And you had mentioned that Mr. Ray had

- 1 said at various times that -- that Mr. Ray had said
 2 at times that are you living the life that you want
 3 to live?
 4 **A. That's correct.**
 5 **Q.** Now --
 6 **A. Actually, my understanding was some**
 7 **people live as though they will never die.**
 8 **Q.** Some people live as if they'll never die.
 9 They think they're immortal. And we're not, are
 10 we?
 11 **A. No, we're not.**
 12 **Q.** And, in fact, if you realize that it
 13 could end at any minute, perhaps we'd all live
 14 better?
 15 **A. I believe that was the idea.**
 16 **Q.** Perhaps we wouldn't get mad in traffic?
 17 **A. Perhaps.**
 18 **Q.** Maybe we wouldn't yell at -- just me, but
 19 maybe I wouldn't yell at my kid when she does
 20 something that she shouldn't do; right?
 21 **A. That's correct.**
 22 **Q.** And maybe I would celebrate everybody
 23 around me a little more precious, with a little
 24 more intention and belief and love perhaps?
 25 **A. I believe that's true. Yes. I believe**

- 1 **that was the point.**
 2 **Q.** I want to talk to you -- by the way, I
 3 think the haircut looks much better now.
 4 **A. Thank you. I do too.**
 5 **Q.** By the way, I want to talk to you about
 6 Mr. Ray after the accident. After the sweat lodge
 7 ceremony, you saw Mr. Ray, did you not?
 8 **A. I saw him for a moment on the property.**
 9 **Yes, I did.**
 10 **Q.** And he came over to you and he gave you a
 11 hug?
 12 **A. Yes, he did.**
 13 **Q.** And he tried to comfort you?
 14 **A. I don't remember him saying anything. I**
 15 **just remember that he gave me a hug.**
 16 **Q.** And whether or not he said anything,
 17 would you agree with me that when he was hugging
 18 you, that he was trying to comfort you?
 19 **A. Yes. I believe he was.**
 20 **Q.** And do you remember that he looked just
 21 shocked?
 22 **A. I don't know -- I can't describe what**
 23 **he - I know he looked different than he had looked**
 24 **before in the sense that he was -- he looked**
 25 **concerned.**

1 Q. And there were -- you remember he was
2 just speechless?
3 A. **Maybe that's why I don't remember what he**
4 **said to me. Maybe he didn't say anything.**
5 Q. And, ma'am, there were tears in his eyes,
6 were there not?
7 A. **There may have been. I don't recall**
8 **right now.**
9 Q. And, of course, it's a year and a half
10 ago. And it's not a memory test. I promise you
11 it's not a memory test.
12 A. **It might be in my deposition. Yeah.**
13 Q. Thank you.
14 If I may approach with Exhibit 591.
15 It's page 22 at lines 17 through 23. If
16 you could just look at these lines and see if your
17 recollection is refreshed.
18 A. **17 through --**
19 Q. 17 through --
20 May I approach again?
21 THE COURT: Yes.
22 THE WITNESS: Of course. Sorry. Not my job.
23 Q. BY MR. LI: 17 through 23.
24 A. **Yes. So I said --**
25 Q. No. No. No. All you're supposed to do

1 is look at it. Is your recollection refreshed?
2 A. **My recollection is refreshed.**
3 Q. Thank you.
4 Ma'am, do you remember that he looked
5 really shocked?
6 A. **That's what I said in my deposition.**
7 **Yes.**
8 Q. And your recollection is now you remember
9 that he looked shocked?
10 A. **I remember that I said that. Yes. I**
11 **don't remember him, but I do remember that I said**
12 **that.**
13 Q. And that he had tears in his eyes?
14 A. **If that's what it says. That I don't**
15 **remember seeing. But if that's what it says, then**
16 **that's what I said.**
17 Q. All right. And he, basically, held you
18 for a moment?
19 A. **He gave me a hug.**
20 Q. Now, ma'am, is it true that, in your
21 judgment, there are people who will defend Mr. Ray
22 and what he thinks out of this whole incident to
23 their, quote, unquote, dying day?
24 A. **Yes.**
25 Q. And that there are also people who will,

1 I think you might have used the term "crucify."
2 But I'll choose condemn him to their dying day?
3 A. **Yes. I believe that's true.**
4 Q. And, in part, you had seen a lot of media
5 after this tragedy where people got on TV and just
6 said crazy things or things -- I shouldn't say
7 that. Strike that.
8 Said things that really made you sad?
9 A. **I saw one person on television, and I was**
10 **sad for her.**
11 Q. And this is Ms. Bunn; correct?
12 A. **I don't recall her name. I know what her**
13 **profession is and where she's from.**
14 Q. A dentist from Texas?
15 A. **Yes.**
16 Q. You were sad for her?
17 A. **I was.**
18 Q. In your judgment, that's just how it is.
19 This tragedy happened. And there are going to be
20 people who feel one way about it, and there are
21 going to be people who feel another way about it.
22 Do you remember feeling that way?
23 A. **Yes.**
24 Q. And, in your judgment, it doesn't have
25 much to do with Mr. Ray. It has to do with the

1 person making the judgment and what they bring to
2 it. Do you remember thinking that?
3 A. **I have said, and I said in my deposition,**
4 **that what people bring to it, which was part of**
5 **Mr. Ray's training, affects how they feel. But I**
6 **definitely believe that what was said to them has**
7 **effect on how -- what they bring to that**
8 **subsequently.**
9 Q. Understand. The only point --
10 A. **It doesn't come out of the air is what I**
11 **mean.**
12 Q. Each person brings their own baggage,
13 life, experiences, everything, to that experience;
14 and they see that experience through those -- that
15 lens; right?
16 A. **That's confusing. Could you clarify**
17 **that, please.**
18 Q. I'm sorry. Every person comes to -- came
19 to this tragedy with their own life experience,
20 their own baggage, their own way of looking at the
21 world; and they viewed this whole tragedy through
22 that lens?
23 A. **I believe everyone came to the Spiritual**
24 **Warrior week with their own -- pardon the phrase,**
25 **but Mr. Ray referred to it as "your own shit." So**

1 **not only would they view the trauma or the accident**
2 **one way or through their own --**

3 **What word did you use.**

4 **Q.** Lens.

5 **A.** Lens. Well, so I believe people come to
6 **the event and also see the tragedy or the accident,**
7 **as you're referring to it, as through their own**
8 **eyes. Yes.**

9 **Q.** And you said to Detective Willingham, and
10 that's just the way it is, and it doesn't have as
11 much to do with James Ray as it has to do with the
12 person and what they bring to it.

13 That's all I'm getting at. Right?

14 **A.** I did say that. And I would like to
15 **explain that a little.**

16 **Q.** I'll ask a few more questions, and then
17 we can come back to that.

18 At the time you were speaking to
19 Detective Willingham, one of the things that you
20 talked about, I believe, was that there were a lot
21 of good things that came out of that week?

22 **A.** Yes, there were.

23 **Q.** And that you yourself came to some
24 realization during that week?

25 **A.** Yes, I did.

1 **Q.** And that some of these realizations were
2 helpful to you?

3 **A.** At the time, yes.

4 **Q.** At the time. Obviously now with
5 hindsight things look very different. But at the
6 time there was some realizations that were quite
7 helpful to you?

8 **A.** Some. Yes.

9 **Q.** And you made the decision to join or to
10 go to Spiritual Warrior to try to come to some of
11 these realizations; correct?

12 **A.** That's correct.

13 **Q.** By the way, is it anybody in the world's
14 business how you spend your money?

15 **A.** No. I don't think so.

16 **Q.** And --

17 **A.** Well, it is my husband's business.

18 **Q.** Other than your husband. Other than the
19 family unit, is it anybody's business how you spend
20 your money?

21 **A.** Other than the family unit, I would say
22 no.

23 **Q.** Should people judge you about how you
24 spend your money?

25 **A.** I can't speak to that.

1 **Q.** Should they, in your world view?

2 **A.** People do what they do.

3 **Q.** Can anybody tell you how to spend your
4 time, other than your husband?

5 **A.** People can say whatever they wish.

6 **Q.** But they can't tell you what to do;
7 right?

8 **A.** Can anyone make someone do something?

9 **Q.** I guess what I'm asking you is they can't
10 tell you -- I'm sorry if I'm not communicating well
11 with you, ma'am.

12 What I'm really just asking you is,
13 nobody can tell you how to spend your time; right?
14 It's your time? You choose?

15 **A.** Okay.

16 **Q.** Do you disagree with that?

17 **A.** Well, no. I don't disagree with that.

18 **Q.** And nobody can tell you what to read;
19 right?

20 **A.** People can make suggestions what you can
21 do or not do.

22 **Q.** Now, back to the issue that everybody is
23 different and everybody has their own motivations
24 for doing things. You don't know, for instance,
25 what was in Kirby Brown's mind, do you?

1 **A.** No, I don't.

2 **Q.** And you don't know -- that's true from
3 the moment Ms. Brown showed up at the Spiritual
4 Warrior seminar all the way through the sweat
5 lodge, all the way to the end of the accident?

6 **A.** The only thing I know was what she said
7 in sessions.

8 **Q.** Okay. But even then you don't know
9 what's in her mind, do you?

10 **A.** I only know what she said.

11 **Q.** And you don't know what her motivations
12 are for anything that she's doing, do you?

13 **A.** No, I don't.

14 **Q.** Only she knew what motivations --

15 **A.** Just as I didn't know why I stayed in
16 there, like I said earlier. I don't know what she
17 was thinking either.

18 **Q.** Okay. But you're at least you and --

19 **A.** And I didn't know what I was thinking.
20 So I certainly don't know what she was thinking.

21 **Q.** Exactly. And you didn't know, for
22 instance, what was in James Shore's mind, do you?

23 **A.** Once again, I didn't even know what was
24 in my mind. I certainly didn't know what was in
25 their mind. I don't know if they were in the same

1 place I was. I can't speak for what they thought.
 2 I can only say that I wasn't in my right mind. I
 3 don't know what they were thinking.

4 Q. I really want to make this simple. We've
 5 talked a little bit about what you were thinking
 6 about your own state of mind.

7 A. Okay.

8 Q. And now I'd like to talk about what you
 9 know or don't know about other people's states of
 10 mind.

11 A. Okay.

12 Q. For instance, I understand what you have
 13 said about what you were feeling inside of the
 14 sweat lodge.

15 A. Right.

16 Q. You don't know at all what was in
 17 Mr. Shore's state of mind in the sweat lodge, do
 18 you?

19 A. Not in his mind, only by his behavior.
 20 That's right. I do not.

21 Q. All right. And you don't know anything
 22 that he was thinking when he was in the Vision
 23 Quest, do you?

24 A. No.

25 Q. And you don't know anything that he was

1 thinking when he was in the Samurai Game, do you?

2 A. No, I don't.

3 Q. You don't know anything he was thinking
 4 when he was doing the meditation?

5 A. No.

6 Q. And you don't know anything he was
 7 thinking when he was doing the breathwork?

8 A. The only thing that I know about anybody
 9 is what they verbally said or did or behaviorally
 10 did. No. I do not read their mind.

11 Q. And you don't know anything about what he
 12 was thinking about why he might have cut his hair
 13 or didn't cut his hair; right?

14 A. No, I don't.

15 Q. The same thing is true with Liz Neuman.
 16 Do you remember her?

17 A. I do.

18 Q. She was one of the Dream Team folks;
 19 correct?

20 A. Correct.

21 Q. She was stationed at one of the corners
 22 inside the sweat lodge; correct?

23 A. Correct.

24 Q. You don't know what she was thinking
 25 inside the sweat lodge, do you?

1 A. No, I don't.

2 Q. You don't know -- well, she actually
 3 didn't do any of the activity -- right? -- because
 4 she was a Dream Teamer?

5 A. Correct.

6 Q. And so you don't know what she was
 7 thinking at any point during the seminar?

8 A. I don't know what she was thinking. I
 9 just spoke to her a couple of times. I know what
 10 she said to me. That's all.

11 Q. And the point I'm making, ma'am, and I'll
 12 move on from this -- it is a little bit of
 13 philosophy here. But, basically, you don't know.
 14 You have -- your experience is your experience.
 15 And all three of those folks that I've just
 16 described, their experience is their experience;
 17 right?

18 A. That's correct.

19 Q. And you have no idea what any of those
 20 three people were thinking, frankly, ever in their
 21 entire lives?

22 A. That's correct.

23 Q. Now, ma'am, we talked about some
 24 participant guide. Do you remember that exhibit?

25 A. I have it. Yes.

1 Q. 736. This is Exhibit 736.

2 May I approach, Your Honor?

3 THE COURT: Yes.

4 Q. BY MR. LI: Do you remember this?

5 A. I do.

6 Q. This was the publication that JRI sent to
 7 participants at the Spiritual Warrior seminar;
 8 right?

9 A. Correct.

10 Q. You probably downloaded it off the
 11 internet or clicked on it or somehow got it?

12 A. Yeah. Yes. Somehow I had a copy.

13 Q. And you received that sometime in the
 14 summer of 2009; correct?

15 A. Sometime after the Chicago event, which I
 16 believe was in July, sometime between July and
 17 October.

18 Q. Several months before the Spiritual
 19 Warrior seminar. And you went through it?

20 A. I did.

21 Q. And did you -- you read it?

22 A. I did.

23 Q. And you knew, for instance, it would be
 24 in Sedona?

25 A. That's correct.

1 Q. And you saw the waivers and all of these
2 forms; correct?

3 A. Correct.

4 Q. And you reviewed them?

5 A. Correct.

6 Q. Now, you also reviewed exhibits -- if you
7 could turn to the pages in the back, there is some
8 liability waivers. It think it's at page 14.

9 If we could publish 736.

10 Have you found them, ma'am?

11 A. Yes, I have.

12 Q. I'm not going to belabor the point. In
13 the second paragraph there is a little discussion
14 about a sweat lodge, which is a ceremonial sauna
15 involving tight and closed spaces and intense
16 temperatures?

17 A. What page are you on?

18 MR. LI: May I approach, Your Honor?

19 THE COURT: Yes.

20 Q. BY MR. LI: Do you see that, ma'am?

21 A. I do.

22 Q. Says activities may involve a sweat lodge
23 ceremonial sauna involving tight and closed spaces
24 and intense temperatures?

25 A. That's correct.

1 MR. LI: Your Honor, may I approach?

2 THE COURT: Yes.

3 Q. BY MR. LI: I'm going to place before you
4 what's been marked as Exhibits 149 and 150. And
5 these are --

6 And I'll move them into evidence with the
7 state's stipulation.

8 MR. HUGHES: State has no objection, Your
9 Honor.

10 THE COURT: 149 and 150 are admitted.

11 (Exhibits 149 and 150 admitted.)

12 Q. BY MR. LI: Ma'am, these are the waiver
13 forms that you signed at the event?

14 A. That's correct.

15 Q. And they're, basically, the same -- I'm
16 not going to make you do a word-for-word
17 comparison. But they're, basically, the same?

18 A. That's correct.

19 Q. One of the forms is also -- there is two
20 waiver forms. One of them has some language about
21 medical conditions and what have you. Do you see
22 that one? I'm going to -- it's Exhibit 150.

23 It doesn't get very big. I don't know if
24 folks can see it.

25 But it, essentially, says, I understand

1 that no Angel Valley party is making any evaluation
2 or recommendation regarding the treatment of any
3 medical conditions or my physical or mental fitness
4 for any program or activity?

5 A. Correct.

6 Q. It is my sole responsibility to consult
7 with a physician to determine if any of these
8 medical conditions exist, if my physical fitness is
9 sufficient, and whether such conditions pose a
10 threat to my health and safety or the health and
11 safety of others.

12 Does it say that?

13 A. Correct, it does.

14 Q. Now, Mr. Hughes had asked you some
15 questions about a phone call that you had made to
16 JRI staff.

17 A. Correct.

18 Q. Now, did you speak to a receptionist or
19 salesperson? Or who did you end up speaking to, if
20 you know?

21 A. I don't know the name of the person.

22 Q. Okay. And as a medical health
23 professional, one, I'll just ask you this, aren't
24 you in a better position to evaluate your own
25 health than some employee of some company on the

1 other end of the line?

2 A. Yes.

3 Q. And you work in a hospital and there are
4 doctors there; correct?

5 A. There are.

6 Q. And to the extent you have either a
7 medical condition involving your -- I understand
8 the shoulder. So let me strike that.

9 I'll just start with the shoulder. You
10 had shoulder surgery; correct?

11 A. Correct.

12 Q. So you asked, hey. Are there going to be
13 activities that are going to require me to move my
14 shoulder around. Right?

15 A. Correct.

16 Q. And you were given an answer about that?

17 A. Correct.

18 Q. But with respect to the medical condition
19 that you had for which you then had therapy later,
20 that's really something that's probably better
21 handled by you; correct?

22 A. I don't understand the question.

23 Q. Let me rephrase that. It's not a good
24 question.

25 Whether or not the medication you're

1 taking or the therapy you're about to undergo or
2 the condition you have that requires you to take
3 the medication -- whether or not that's something
4 that would preclude you from joining various
5 activities, including a sweat lodge, that's
6 probably an issue better handled by you, your
7 doctor, other medical professionals; correct?

8 **A. I can't answer that yes or no.**

9 **Q.** Then answer it as best as you can.

10 **A. The reason that I called and asked**
11 **questions was to try to ascertain how much**
12 **strenuous or how much -- what would happen during**
13 **that. And that answer would contribute to my**
14 **judgment with my physician or me as a nurse on**
15 **whether I should go through and do this at that**
16 **time.**

17 **Q.** Right. So when you look at the waiver
18 form, it tells you, hey, look, there is a lot of
19 these activities. I think it says strenuous,
20 physical activity, or at least physical activity.

21 I think you are probably going to need to
22 look at Exhibit 149. It's the second paragraph.

23 **A. Okay.**

24 MR. LI: May I approach, Your Honor?

25 THE COURT: Yes.

1 THE WITNESS: I see it. So the question is?

2 **Q.** BY MR. LI: The waiver gave you a number
3 of activities that you would participate in. And
4 it was up to you -- I'm going to stop this line of
5 questioning in a second.

6 Really all I'm saying is the waiver gives
7 you a list of activities that you're going to be
8 involved in. And it's really up to you and your
9 medical professional to decide whether or not you
10 should do these kinds of activities, a sweat lodge,
11 for instance?

12 **A. I'm a medical professional, but I'm not a**
13 **physician. So that's why I called to get more**
14 **specificity about, okay, so it says we'll do this**
15 **and this. How bad is this? Because this sounds**
16 **terrible. I mean, this sounds like you could die.**
17 **It says that, I mean, we are not responsible if you**
18 **die, basically.**

19 **And so I thought it can't be that bad.**
20 **Somebody's got to give me a little more**
21 **explanation. What is this? And the person that I**
22 **spoke to said what I said earlier.**

23 **Q.** Okay. I completely understand the point
24 you're making. But I guess what I'm saying, I'm
25 asking you, is whether or not the ultimate decision

1 about your personal medical condition and your
2 personal -- you know -- whatever condition you were
3 facing, whatever things that you required
4 subsequent therapy for, that's not a question you
5 posed to JRI, is it?

6 **A. I did actually ask if I should start**
7 **afterwards. And that is why I decided to start the**
8 **therapy after Spiritual Warrior.**

9 **Q.** I think you and I might be missing each
10 other a little bit. And I'll move on from this.

11 All I'm asking you is that the bottom -- your
12 medical diagnosis, those issues about what your
13 medical issues may or may not be, that's your
14 responsibility, isn't it? You're personal medical
15 condition -- that's your responsibility; correct?

16 **A. Okay. Sure.**

17 **Q.** You're the best person to figure out
18 whether your medical conditions are appropriate or
19 should -- will preclude you from doing one activity
20 versus another?

21 **A. Okay.**

22 **Q.** Do you agree with that?

23 **A. Sure.**

24 **Q.** It's your responsibility; right?

25 **A. Well, yes. And I think it's also the**

1 **responsibility -- the person that I spoke to was**
2 **not a medical professional. But the person I spoke**
3 **to did represent JRI, because they said, James**
4 **would never do anything to hurt you.**

5 **I believed what they said, not to the**
6 **exclusion of my own medical knowledge or my own**
7 **judgment or my own responsibility.**

8 **But, as you say, we all bring things to**
9 **the table through our own lens, and that comment**
10 **helped me to decide.**

11 **Q.** Fair enough. I will note -- since I
12 didn't draft this thing, so I can't --

13 **A. I don't know if it says, you'll die. But**
14 **it sure says, we're not responsible for anything**
15 **that happens.**

16 **Q.** The last paragraph. It does say, in
17 making this decision -- last paragraph, right above
18 the signature line, second page. It does say, in
19 doing so I have not relied upon any oral
20 representation, statements or inducement apart from
21 the statements made expressly herein?

22 **A. It sure does.**

23 **Q.** And look. I'm not trying to -- this has
24 nothing to do with your -- all I'm really asking
25 you is, ultimately Mr. Hughes asked you a lot of

1 questions about whether somebody had gotten a
2 medical waiver from you and all of these kinds of
3 issues.

4 And I guess my question with you is,
5 aren't your medical conditions pretty much your
6 responsibility, like what your state of health,
7 your doctor, your own judgment as a medical
8 professional?

9 **A. Are you asking are they my
10 responsibility?**

11 **Q. Yeah.**

12 **A. Yes.**

13 **Q. Thank you.**

14 Just quickly, there were a number of
15 activities that were described. One of them was
16 this journaling. Do you remember that discussion
17 with Mr. Hughes about the journaling?

18 **A. Could you refresh my memory.**

19 **Q. Okay. You went to a hall and you were
20 writing in the journal.**

21 **A. Okay.**

22 **Q. You remember that?**

23 **A. I do.**

24 **Q. And one of the topics was sex?**

25 **A. Correct.**

1 **Q. There were other topics, were there not?**

2 **A. That's what I recall.**

3 **Q. But there were topics about personal
4 tragedy. Do you remember that?**

5 **A. To tell you the truth, what I remember is
6 the sequence of events of sexual experience.**

7 **Q. But there were other topics relating
8 to -- describe something you were ashamed of?**

9 **A. I don't recall.**

10 **Q. There was about a page -- do you remember
11 there was, like, a page --**

12 **A. There may have been, but I don't recall
13 that.**

14 **Q. It's not a memory test.**

15 **A. I just don't recall that. That's what I
16 recall about the writing.**

17 **Q. And that's what you wrote about; correct?**

18 **A. I wrote about that. Now that you talk
19 about something you were ashamed of, I may have
20 written about that too. Yes.**

21 **Q. And you wrote about personal loss or
22 things like that?**

23 **A. Perhaps.**

24 **Q. And these were your own personal
25 journals; correct?**

1 **A. Correct.**

2 **Q. You didn't hand them up to Mr. Ray?**

3 **A. No.**

4 **Q. They were for your own -- sort of to let
5 it all out?**

6 **A. That's correct.**

7 **Q. Now, you had described folks going into a
8 particular hall in the evening to start journaling?**

9 **A. That's correct.**

10 **Q. And it started off there was something
11 like 35 or 40 folks who were in there?**

12 **A. There were a lot of people. There were
13 less by the end of the evening.**

14 **Q. So when the evening started off, let's
15 assume for a second there might have been 55
16 participants.**

17 **A. Okay.**

18 **Q. So two thirds or a half to two thirds of
19 the people were in the room writing away?**

20 **A. Okay.**

21 **Q. And so the rest were wherever they were?**

22 **A. They weren't there. So I don't know
23 where they were.**

24 **Q. They could have been in their room
25 sleeping?**

1 **A. Yes.**

2 **Q. They could have been having a
3 cheeseburger, as far as you know?**

4 **A. I don't know where they were.**

5 **Q. Later on in the evening as the night wore
6 on and you stayed there, and you chose to stay
7 there, there were 15, 20 people left?**

8 **A. To the best of my recollection, yes.**

9 **Q. And so if we do that math again, if it's
10 15, say, 40 people went wherever they went?**

11 **A. Correct.**

12 **Q. They could have gone to sleep?**

13 **A. I don't know where they went.**

14 **Q. They could have gone for a walk?**

15 **A. I know some people decided to write in
16 their rooms.**

17 **Q. Some people decided to write in their
18 room?**

19 **A. Correct.**

20 **Q. But you don't know if they actually did?**

21 **A. I don't.**

22 **Q. Some people may have chosen to take a
23 walk?**

24 **A. They may have.**

25 **Q. Some people may have chosen to snuggle up**

- 1 in bed and go to sleep?
- 2 **A. They may have. That's correct.**
- 3 **Q.** Now, quickly, about the Vision Quest, you
- 4 were told ahead to pack for this Vision Quest;
- 5 right?
- 6 **A. Correct.**
- 7 **Q.** And you had been told repeatedly
- 8 throughout this seminar to hydrate, hydrate,
- 9 hydrate?
- 10 **A. Correct.**
- 11 **Q.** And you did?
- 12 **A. Correct.**
- 13 **Q.** And when you went on the Vision Quest,
- 14 you weren't thirsty?
- 15 **A. No.**
- 16 **Q.** And you weren't hungry?
- 17 **A. I was hungry, but I wasn't as thirsty as**
- 18 **I thought I would be.**
- 19 **Q.** And you slept out there?
- 20 **A. Correct.**
- 21 **Q.** You had one night out there?
- 22 **A. Well, we got out there during the night,**
- 23 **and then we spent another night.**
- 24 **Q.** So you had one night out there, and then
- 25 you had a day and then another night out there?

- 1 **A. That's correct.**
- 2 **Q.** In your sleeping bag, the night?
- 3 **A. Correct.**
- 4 **Q.** Now, it was safe?
- 5 **A. I felt safe.**
- 6 **Q.** It wasn't out in the boonies, was it?
- 7 **A. I couldn't see anything, but I could hear**
- 8 **doors closing. So I thought I that I was still on**
- 9 **property.**
- 10 **Q.** Like car doors closing?
- 11 **A. Yes.**
- 12 **Q.** Probably hear some people talking?
- 13 **A. Occasionally I did. Yes.**
- 14 **Q.** Maybe some laughter every now and again?
- 15 **A. I know I heard the door -- a door close.**
- 16 **Q.** Once you came back in from the Vision
- 17 Quest, you started drinking again; right?
- 18 **A. Yes.**
- 19 **Q.** And you had these what? 32-ounce Nalgene
- 20 bottles; right?
- 21 **A. I don't know exactly how big they were.**
- 22 **Q.** Something like that?
- 23 **A. Probably 32 ounces.**
- 24 **Q.** And you probably -- I think on direct you
- 25 said you drank four or five of those bottles?

- 1 **A. Between three and five, three or four.**
- 2 **But whatever I drank.**
- 3 **Q.** Give or take, four or five, three or
- 4 four, a lot?
- 5 **A. Yes. Correct.**
- 6 **Q.** Basically, as much as you could drink;
- 7 right?
- 8 **A. Correct.**
- 9 **Q.** Now, I'm terrible with gallons and things
- 10 like that. But let's call it -- four 32-ounce
- 11 bottles is probably what? Like two gallons or
- 12 something like that?
- 13 **A. I have to refresh my -- four quarts in a**
- 14 **gallon?**
- 15 **Q.** It's jugs of water; right?
- 16 **A. I probably drank a gallon at least.**
- 17 **Q.** And then you went to the hall to talk
- 18 about what was going to happen in the sweat lodge;
- 19 correct?
- 20 **A. I was drinking water throughout that time**
- 21 **in that classroom area also. I didn't drink four**
- 22 **bottles first thing in the morning. No. Can't do**
- 23 **that.**
- 24 **Q.** Now, nobody -- in fact, people encouraged
- 25 you to do that; correct?

- 1 **A. Correct.**
- 2 **Q.** Nobody discouraged you from doing that;
- 3 correct?
- 4 **A. That's correct.**
- 5 **Q.** Now, Mr. Ray had volunteers outside of
- 6 the tent?
- 7 **A. The --**
- 8 **Q.** The Dream Team members.
- 9 **A. The sweat lodge team?**
- 10 **Q.** Sorry. Let me slow down.
- 11 So let me set the stage a little. There
- 12 were some precautions in place at the sweat lodge;
- 13 correct?
- 14 **A. I don't know what you mean.**
- 15 **Q.** There were -- let me start with there
- 16 were people posted on the outside?
- 17 **A. Yes, there were.**
- 18 MR. LI: If I could have Exhibit 145.
- 19 **Q.** Those folks there, the folks in the blue
- 20 shirts, those are Dream Team members?
- 21 **A. I think I recognize the person on the**
- 22 **right. I don't know who the person on the left is.**
- 23 **Q.** But they're Dream Team members; correct?
- 24 **A. By the color of their shirt, yes.**
- 25 **Q.** Who is the person on the right?

1 **A. I think her name was -- her last name is**
2 **Waters.**
3 **Q.** Barb waters?
4 **A. Barb. Yes.**
5 MR. LI: If I could have Exhibit 146 up.
6 **Q.** These are various people posted on the
7 outside of the sweat lodge; correct?
8 **A. It would appear so. Yes.**
9 **Q.** And you remember as you went into the
10 sweat lodge that there were people, Dream Teamers,
11 who would be on the outside; right?
12 **A. I didn't know where they would be. I**
13 **know they didn't come in with us.**
14 **Q.** You mean those particular people didn't
15 come in with you?
16 **A. Correct.**
17 **Q.** Now, there were also on the outside
18 buckets and hoses and towels to cool people off
19 when they came out; right?
20 **A. I saw that in one of the pictures earlier**
21 **that there was some laundry hampers.**
22 **Q.** With the towels?
23 **A. Until then I didn't recollect that.**
24 **Q.** You were hosed down when you came out?
25 **A. I was.**

1 **Q.** There was at least a hose?
2 **A. Apparently. I don't remember noticing**
3 **that on the way in, but obviously it was there.**
4 **Q.** And there were buckets there?
5 **A. I don't recall any buckets, but I'm sure**
6 **there was.**
7 **Q.** And there was also a recovery station,
8 sort of a comfort station, underneath the tent with
9 Gatorade and fruit and water and those sorts of
10 things in there?
11 **A. There was a tent. I didn't know that's**
12 **what it was. That's what I mentioned earlier, that**
13 **there was juice and fruit.**
14 **Q.** And, in fact, when you had come out of
15 the sweat lodge, people hosed you down, and then
16 they gave you water and fluid and maybe some
17 electrolytes and fruit; correct?
18 **A. No fruit. Just something to drink while**
19 **I was still on the ground.**
20 **Q.** And there were also Dream Team members
21 inside the sweat lodge, were there not?
22 **A. Yes. That's correct.**
23 MR. LI: If I could have Exhibit 414 up on the
24 screen.
25 **Q.** We had it oriented all different ways

1 during this trial. We'll leave it this way with
2 the entrance at the south. I believe you said you
3 were somewhere at the 12:00 o'clock position?
4 **A. Correct.**
5 **Q.** Now, there was a Dream Teamer right next
6 to you or near you?
7 **A. A young man. I don't remember his name.**
8 **Q.** Mark Rock?
9 **A. Mark. Right.**
10 **Q.** He had a shaved head?
11 **A. Yes. I thought I saw his picture**
12 **earlier.**
13 **Q.** And there was another -- Liz Neuman was
14 at the 9:00 o'clock position?
15 **A. I don't recall. But I know there were**
16 **people at the 9:00, 3:00 and 12:00 o'clock**
17 **position.**
18 **Q.** And Mr. Ray was at the -- we'll call it
19 the 5:30, 5:45 position?
20 **A. Yep.**
21 **Q.** And there were other JRI people near him;
22 correct?
23 **A. Yes.**
24 **Q.** And there was also somebody posted at the
25 3:00 o'clock position; correct?

1 **A. I don't know who that was, but I believe**
2 **there was. Yes.**
3 **Q.** And there were also instructions prior to
4 the sweat lodge ceremony from Mr. Ray. Do you
5 recall that?
6 **A. I do.**
7 **Q.** And in addition to saying it was a sacred
8 space and that it was like a church and it should
9 be treated like a church, he also said, hey. If it
10 gets really hot and you need to get cooler, get
11 down closer to mother earth and she will cool you.
12 Do you remember that?
13 **A. Now that you mention it, yes.**
14 **Q.** Because heat rises?
15 **A. Correct.**
16 **Q.** And the ground is cool?
17 **A. Correct.**
18 **Q.** And he also said, so if you have to
19 leave, then you need to.
20 Do you remember that?
21 **A. I'm sure he did. I don't recall.**
22 **Q.** And he said, you have to go all the way
23 around out the lodge in a clockwise fashion.
24 **A. That is unclear to me. That has always**
25 **been instructions in any other sweat I've been in.**

1 **I don't recall if that's exactly what he said. It**
 2 **would be in keeping with instructions I've heard**
 3 **before.**

4 **Q.** And you go out when the flap is open, and
 5 there is light coming in; correct?

6 **A. Correct.**

7 **Q.** And part of that is ceremonial; correct?

8 **A. Correct.**

9 **Q.** Part of that is safety too; correct?

10 **A. Makes sense.**

11 **Q.** Bad idea to go out in a rush when it's
 12 dark with a bunch of hot rocks in the middle of the
 13 pit -- of the lodge; correct?

14 **A. Correct.**

15 **Q.** And that's, basically, what happened to
 16 poor Mr. Caci; correct?

17 **A. You know, it makes sense. Because I**
 18 **think he tried to go straight out. But I don't**
 19 **recall. I just know that he burned himself.**

20 **Q.** And Mr. Ray said, if you have to leave,
 21 you leave, and you leave in a very, very controlled
 22 manner, very carefully, because there is legs and
 23 it's dark and there is legs and there's knees and
 24 there's elbows, and -- you know -- the last thing
 25 we want is anyone in the pit.

1 Do you remember Mr. Ray saying that?

2 **A. Yeah.**

3 **Q.** And --

4 **A. Now that you say that, yes, I do. And**
 5 **that would also be in keeping with instructions.**

6 **Q.** At other sweat lodges?

7 **A. Right.**

8 **Q.** And other sweat lodges would say, don't
 9 rush the door?

10 **A. Correct.**

11 **Q.** Whether there are 8 people or whether
 12 there are 20 people?

13 **A. Correct.**

14 **Q.** Or whether there are 55 people?

15 **A. Correct.**

16 **Q.** Because -- you know -- panic and rushing
 17 the door can cause really bad things to happen;
 18 correct?

19 **A. Yes. I'm sure.**

20 **Q.** Now --

21 **THE WITNESS:** Your Honor, could I use the rest
 22 room?

23 **THE COURT:** We'll take a recess. Please
 24 reassemble in about 10, 15 minutes. Remember the
 25 admonition.

1 We're in recess.

2 (Recess.)

3 **THE COURT:** The record will show the presence
 4 of the defendant, Mr. Ray, the attorneys, the jury,
 5 and the witness, Ms. Andresano, is on the witness
 6 stand.

7 Mr. Li.

8 **MR. LI:** Thank you, Your Honor.

9 **Q.** Over the break we figured out that a
 10 gallon is 130 -- 128 ounces.

11 **A. Okay.**

12 **Q.** So let's say four bottles would be about
 13 a gallon.

14 **A. Okay.**

15 **Q.** That's about how much you drank before
 16 you went into the lodge?

17 **A. Approximately. Yes.**

18 **Q.** Now, if we could talk for a second about
 19 inside the lodge.

20 **A. Okay.**

21 **Q.** Were you aware that people left in the
 22 first round?

23 **A. No.**

24 **Q.** Were you aware that three people left in
 25 the first round?

1 **A. No.**

2 **Q.** And were you aware that people continued
 3 to leave throughout the ceremony? Some people left
 4 in the second round?

5 **A. No.**

6 **Q.** Were you aware that some people left in
 7 the third round?

8 **A. No.**

9 **Q.** Were you aware that some people left and
 10 then came back in?

11 **A. No.**

12 **Q.** Now, did you ever hear Mr. Ray or see
 13 Mr. Ray -- strike that. Let me rephrase that.

14 Did you ever see Mr. Ray physically
 15 restrain anybody from leaving?

16 **A. No.**

17 **Q.** Did you ever see him offensively touch
 18 somebody?

19 **A. No.**

20 **Q.** What you did hear a lot of was people
 21 encouraging each other --

22 **A. Correct.**

23 **Q.** -- you can do this?

24 **A. Correct.**

25 **Q.** And you yourself joined in to encourage

- 1 everybody around you as well?
- 2 **A. Correct.**
- 3 **Q.** And in some respects, it was -- you were
- 4 trying to help each other out?
- 5 **A. Correct.**
- 6 **Q.** Now, you lost consciousness sometime in
- 7 the seventh round?
- 8 **A. During or after.**
- 9 **Q.** And you remember that because somebody
- 10 said something about the seventh round?
- 11 **A. Correct.**
- 12 **Q.** And the last thing you remember is sort
- 13 of leaning back against the frame of the sweat
- 14 lodge; correct?
- 15 **A. Correct.**
- 16 **Q.** And then you woke up outside?
- 17 **A. Correct.**
- 18 **Q.** And you eventually went to the hospital?
- 19 **A. Correct.**
- 20 **Q.** Your chief complaints were you had a
- 21 headache; correct?
- 22 **A. Correct.**
- 23 **Q.** Nausea?
- 24 **A. Correct.**
- 25 **Q.** And abdominal pain?

- 1 **A. Nausea.**
- 2 **Q.** And once you got to the hospital, you
- 3 felt better or you started to feel better?
- 4 **A. Not when I got to the hospital. But**
- 5 **before I left I did.**
- 6 **Q.** Okay. Now, when the ambulance drivers
- 7 came, you heard them talk; right? They were
- 8 talking?
- 9 **A. Okay. They were talking.**
- 10 **Q.** And you heard them?
- 11 **A. Yes.**
- 12 **Q.** And they were concerned that it might be
- 13 carbon monoxide and this and that. Do you remember
- 14 saying that?
- 15 **A. Yes, I do.**
- 16 **Q.** Did they ever say to you that it might be
- 17 organophosphates?
- 18 **A. No.**
- 19 **Q.** Now, when you passed out and then came
- 20 to, you looked at your hands; right?
- 21 **A. Correct.**
- 22 **Q.** And they were sort of almost vibrating?
- 23 **A. It was a strange. It looked like they**
- 24 **were sort of moving.**
- 25 **Q.** Like, pulsing?

- 1 **A. Maybe pulsing.**
- 2 **Q.** And you also looked at people's facial
- 3 expressions who were around you; right?
- 4 **A. That's correct.**
- 5 **Q.** And their faces looked very weird as
- 6 well?
- 7 **A. Distorted, yes.**
- 8 **Q.** And I believe you've described it on a
- 9 number of occasions as if it felt like you were on
- 10 LSD or something?
- 11 **A. On two occasions I explained it that way.**
- 12 **Yes.**
- 13 **Q.** Is that how you would explain it today to
- 14 this jury?
- 15 **A. That's the only thing that ever looked**
- 16 **like anything like that.**
- 17 **Q.** Like you were on a drug?
- 18 **A. Correct.**
- 19 **Q.** And then you went to the hospital;
- 20 correct?
- 21 **A. Correct.**
- 22 **Q.** And they treated you with antinausea
- 23 medication; correct?
- 24 **A. Correct.**
- 25 **Q.** And something for the headache?

- 1 **A. Correct.**
- 2 **Q.** And I think they put an I.V. into you.
- 3 **A. In the ambulance before I left.**
- 4 **Q.** And then they --
- 5 **A. Angel Valley.**
- 6 **Q.** At the hospital they probably changed the
- 7 bag a few times?
- 8 **A. Correct.**
- 9 **Q.** After your treatment at the hospital,
- 10 they released you?
- 11 **A. Correct.**
- 12 **Q.** And somebody from the Dream Team came and
- 13 picked you up?
- 14 **A. Along with a few other people. Yes.**
- 15 **Q.** With a few other folks who were at the
- 16 hospital?
- 17 **A. Correct.**
- 18 **Q.** You've --
- 19 I want to get everybody out of here at a
- 20 reasonable hour.
- 21 You've done other lodges, you've told us?
- 22 **A. Correct.**
- 23 **Q.** About 12 lodges?
- 24 **A. Approximately between that up to 20. I**
- 25 **don't recall exactly.**

- 1 Q. And they've been in the different Native
2 American traditions?
- 3 A. **Two different Native American traditions.**
- 4 Q. Lakota Sioux and Apache?
- 5 A. **Correct.**
- 6 Q. Were these lodges, basically, sticks and
7 blankets or were some of them structures?
- 8 A. **Sticks -- willow branches or bamboo
9 branches and cloth.**
- 10 Q. Blankets?
- 11 A. **Blankets, tarps.**
- 12 Q. And in all of these traditions, I believe
13 you've told folks, detectives, frankly, that it's a
14 rebirthing experience?
- 15 A. **Correct.**
- 16 Q. And the lodge is sort of symbolic of a
17 womb?
- 18 A. **Correct.**
- 19 Q. And it's not supposed to be comfy in
20 there?
- 21 A. **It's normal to be crowded.**
- 22 Q. And it's normal to be crowded.
23 And you've had sweat lodges that you've
24 been in that have been, while smaller sweat lodges,
25 actually more cramped; correct?

- 1 A. **More cramped than --**
- 2 Q. I'm sorry. Than the 2009 Spiritual
3 Warrior seminar.
- 4 A. **I felt about as cramped in other ones.**
- 5 Q. Okay. So it's supposed to be cramped?
- 6 A. **It's supposed to be cramped.**
- 7 Q. And I believe that the door in this
8 particular sweat lodge was actually larger than any
9 other door you'd ever seen in any other sweat
10 lodge. Correct?
- 11 A. **In relation to the size of the lodge, it
12 was the same proportionally, but because the lodge
13 was so much bigger, it was a bigger door than I was
14 used to.**
- 15 Q. Fair enough. And the number of rocks you
16 needed to heat a much proportionally larger sweat
17 lodge is greater, isn't it?
- 18 A. **I don't know that. I've been in lodges
19 that have had very few rocks and been very hot and
20 many rocks and not been as -- all that hot.**
- 21 Q. So lodges are different?
- 22 A. **They are different.**
- 23 Q. And speaking about the different
24 experiences that you've had in sweat lodges, in
25 some of these sweat lodge ceremonies you've been at

- 1 people have had visions?
- 2 A. **Correct.**
- 3 Q. And maybe seen themselves as eagles or
4 something like that?
- 5 A. **I don't know about that. I know I had
6 one experience where the leader of the sweat said
7 that the spirit of the eagle was in the lodge.**
- 8 Q. And people in these ceremonies, these 12
9 to 20 some-odd ceremonies, some of the participants
10 would also have visions; correct?
- 11 A. **That's what they said. Yes.**
- 12 Q. Altered states; correct?
- 13 A. **That's what they said. Yes.**
- 14 Q. You witnessed -- I mean, obviously you
15 can't see what is in their head, but you've
16 witnessed them telling you they had some sort of
17 vision?
- 18 A. **That's correct.**
- 19 Q. And, in fact, it's not uncommon for the
20 participants in the sweat lodge ceremonies to have
21 visions and to have an altered state; correct?
- 22 A. **My understanding of the sweat lodge is
23 that it is common.**
- 24 Q. And you've personally witnessed -- while
25 you can't see what's in their brain, you've

- 1 personally witnessed people describing their
2 visions, what have you; correct?
- 3 A. **That's correct.**
- 4 Q. And in every other sweat lodge ceremony
5 you've been in, the leader has referred to it as a
6 "church"?
- 7 A. **Correct.**
- 8 Q. And that you need to have respect for it?
- 9 A. **Correct.**
- 10 Q. And that if you're going to leave, you
11 need to leave in a clockwise manner?
- 12 A. **Correct.**
- 13 Q. And that everyone shouldn't rush through
14 the door --
- 15 A. **Correct.**
- 16 Q. -- rush for the door?
- 17 A. **That's correct.**
- 18 Q. And everybody should be careful about the
19 hot rocks in the center?
- 20 A. **Correct.**
- 21 Q. And that you should leave when the door
22 is open?
- 23 A. **Correct.**
- 24 Q. A lot of these sweat lodge leaders, I
25 believe in one of your interviews, they can be a

1 little -- I'm going to use the word "persnickety."
 2 But would that describe them?
 3 **A. I would describe it more as respectful of**
 4 **the ritual.**
 5 **Q.** That's probably a much better
 6 description. The leaders don't want the
 7 participants to disrespect the lodge; correct?
 8 **A. That's correct.**
 9 **Q.** And they don't want the participants to
 10 disrespect the ceremony; correct?
 11 **A. That's correct.**
 12 **Q.** And they don't want the participants to
 13 disrespect the experiences that every other person
 14 is having; correct?
 15 **A. I don't know about that. But everything**
 16 **else you said I agree with.**
 17 **Q.** They don't want to have people standing
 18 up in the middle of the lodge pulling up the side
 19 of the tent, do they?
 20 **A. It's only happened once.**
 21 **Q.** In the sweat lodges you've been in, if
 22 somebody brought in a flashlight and started waving
 23 it around, the sweat lodge leaders that you've
 24 participated in would probably say something about
 25 that, wouldn't they?

1 **A. Probably. I don't know.**
 2 **Q.** They would say, don't disrespect the
 3 sweat lodge; correct?
 4 **A. That's correct.**
 5 **Q.** Now, this is true whether the ceremony
 6 leader is a Native American or whether he or she is
 7 not a Native American -- correct? -- in your
 8 experience?
 9 **A. Yes.**
 10 **Q.** One thing you had mentioned was in one of
 11 the lodge traditions that you went to in the Apache
 12 tradition, the philosophy was if one goes out,
 13 everybody has to go out?
 14 **A. That's correct.**
 15 **Q.** And you think that maybe this procedure
 16 puts a little peer pressure on people not to leave
 17 because if you go out, your 6, 7, 19 other lodge
 18 participants might have to go too?
 19 **A. That could be. Yes.**
 20 **Q.** And in those lodges there was a bit of
 21 peer pressure to stay, then; correct?
 22 **A. No. It was explained by the leader that**
 23 **if one goes, we all go.**
 24 **Q.** Now, at least self-imposing pressure to
 25 stay, that if you go, you may have to change the

1 experience for everybody else; correct?
 2 **A. The way it was explained to me was**
 3 **everybody leaves. I can't speak for anyone else.**
 4 **Q.** Did you ever say that that sort of
 5 procedure kind of gave people some feeling of oh,
 6 my gosh, I'm going to ruin it for everybody?
 7 **A. I have felt that before.**
 8 **Q.** So that procedure creates some pressure
 9 that you might be ruining it for other people?
 10 **A. I have felt that before.**
 11 **Q.** I should have rephrased that question.
 12 You personally have felt that?
 13 **A. I have.**
 14 **Q.** Now, in these other sweat lodges that
 15 you've participated in, were there five or six
 16 volunteers standing on the outside?
 17 **A. There were usually people outside. Fire**
 18 **keeper, someone else. Yes.**
 19 **Q.** How about five or six people in addition
 20 to the fire keeper and the person who sort of roles
 21 the rocks over? Were there five or six people
 22 standing on the outside?
 23 **A. I'm not aware of that.**
 24 **Q.** Were there volunteers on the inside at
 25 each of the cardinal corners?

1 **A. I'm not aware of that.**
 2 **Q.** When you say you're not aware of it,
 3 meaning there weren't or that --
 4 **A. I don't know. I don't recall.**
 5 **Q.** This is kind of a lawyer's question, but
 6 when you say you don't recall, you don't recall one
 7 way or the other or you don't recall there being --
 8 **A. I don't recall one way or the other.**
 9 **Q.** Was there a recovery station, sort of a
 10 comfort station, on the outside?
 11 **A. There was always a meal planned**
 12 **afterwards and refreshments afterwards. Yes.**
 13 **Q.** Sort of electrolytes and water and hoses
 14 and buckets and fruit? Were all of those things on
 15 the outside.
 16 **A. There was always a meal prepared**
 17 **afterwards. There was always water outside. I**
 18 **don't think hoses.**
 19 **Q.** And was there -- did you have to sign
 20 medical releases and what have you before you went
 21 into these sweat lodges?
 22 **A. No.**
 23 **Q.** Did you have to sign any release before
 24 you went into these sweat lodges?
 25 **A. No.**

1 Q. Was there an ambulance waiting outside of
2 any of these sweat lodges?
3 A. No.
4 Q. Was there a automated defibrillator?
5 A. **Not that I know of.**
6 Q. Were there -- was there first-aid kits
7 outside of these sweat lodges?
8 A. **Not that I know of.**
9 Q. Do you know whether or not at any of the
10 sweat lodges you attended, 12 to 20, whether there
11 was a registered nurse on the outside?
12 A. **I don't know. There were always people**
13 **outside to look after people that came out but not**
14 **a certain number in a certain place. But there**
15 **were always people to look after people outside.**
16 Q. I appreciate that. But my very narrow
17 question to you is whether or not in these other
18 sweat lodge ceremonies there was a registered nurse
19 outside?
20 A. **Not that I know of. There was usually**
21 **one inside.**
22 Q. You?
23 A. **That would be me.**
24 Q. Well, then in these other ceremonies,
25 were there two doctors inside?

1 A. **Occasionally. But only if that person**
2 **happened to be in there wasn't part of the**
3 **ceremony.**
4 Q. Did you meet Dr. Jeannie Armstrong at
5 the 2009 Spiritual Warrior seminar?
6 A. **Oh. Yes. I remember her.**
7 Q. Very capable lady?
8 A. **She's a doctor.**
9 Q. Did you meet Dr. Nell Wagoner?
10 A. **I don't recall. Sounds familiar. Name**
11 **sounds familiar.**
12 Q. Other than people inside the sweat lodge,
13 a registered nurse such as yourself, are you aware
14 of in any of the other sweat lodge ceremonies that
15 you've attended a registered nurse on the outside
16 of the sweat lodge?
17 A. **I'm not familiar with that. I don't**
18 **recall.**
19 MR. LI: Thank you, Your Honor.
20 Thank you, ma'am.
21 THE WITNESS: Certainly.
22 THE COURT: Thank you, Mr. Li.
23 Mr. Hughes, redirect?
24 MR. HUGHES: Thank you, Your Honor.
25 ///

REDIRECT EXAMINATION

2 BY MR. HUGHES:
3 Q. Ms. Andresano, I'm going to ask you a few
4 questions about some of the things that got brought
5 up.
6 Mr. Li asked if the writing of the
7 obituary was part of the Samurai Game. Do you
8 recall, was it a part of that game?
9 A. **I don't recall.**
10 Q. Do you still have that syntax in front of
11 you?
12 A. **I do. Based on the timing of it, I would**
13 **say yes.**
14 Q. May I have that exhibit, please?
15 A. **Certainly.**
16 Q. This is Exhibit 253.
17 Your Honor, may I publish it?
18 THE COURT: Yes.
19 Q. BY MR. HUGHES: Is this the page that you
20 were referring to?
21 A. **Yes, it is.**
22 Q. And by the timing of it, are you
23 referring to the sequence, the 8:40, 8:55 and then
24 9:05 travel to pavilion?
25 A. **Yes. Because the game started at the end**

1 **of dinner, which was somewhere around the 6:00 p.m.**
2 **or 7:00 p.m. time.**
3 Q. And with respect to the game, the time it
4 started, do you know if the times that were printed
5 on the syntax were the same times that the event
6 actually happened that day?
7 A. **I don't know.**
8 Q. Do you know whether the events that day
9 may have gone off schedule as far as the time?
10 A. **They may have.**
11 Q. You referred a number of times to your
12 deposition. Are you referring to the interview
13 over the phone you gave to Detective Willingham?
14 A. **Yes, I am. I'm sorry.**
15 Q. No. That's okay. It's a legal term.
16 A. **It was an interview.**
17 Q. You were asked by Mr. Li about some of
18 the things you'd said in that interview. And you
19 said at one point to Mr. Li, I feel that what was
20 said to a person affects what happened.
21 Do you recall what you meant by that?
22 A. **What I meant is I believe everyone is**
23 **influenced to some degree by outward influences.**
24 **So my conversation contributed to my decision.**
25 Q. And what decision are you talking about?

1 **A. To go to the Spiritual Warrior event**
2 **in 2009 or wait until 2010. I was told that would**
3 **be the next opportunity to attend.**

4 **Q.** And Mr. Li read you a quote, and then you
5 asked to explain it. Do you remember that?

6 **A. No, I don't.**

7 **Q.** I believe the quote was, and that's just
8 the way it is. And it doesn't have as much to do
9 with James Ray as it has to do with the person and
10 what they bring to it. There is a saying that he
11 has in his saying that it's not the ritual. It's
12 what you bring to the ritual.

13 Do you remember that?

14 **A. I do remember that.**

15 **Q.** And you wanted to explain that statement?

16 **A. That -- I don't recall what I was going**
17 **to try to say. What I will say is that that very**
18 **sentence is influenced from Mr. Ray to me. That**
19 **was something that I learned there and something**
20 **that I was repeating after having been there.**

21 **Q.** And what is it in particular that -- is
22 that you learned there?

23 **A. About seeing things through your own**
24 **perspective or your own lens. One of the things he**
25 **had up on the window was the lens and your bag of**

1 **your stuff. And so that comment is in regard to**
2 **what I learned there.**

3 **Q.** Mr. Li asked some questions about the
4 journaling that you did.

5 **A. Yes.**

6 **Q.** Do you recall whether you were encouraged
7 to work with Dream Team members or other employees
8 of Mr. Ray with regard to your journaling?

9 **A. I know that we were always encouraged to**
10 **ask questions of the Dream Team if we had any**
11 **questions. Do you mean in direct regard to what we**
12 **were writing that night?**

13 **Q.** Let me ask you. With regard to any of
14 the journaling that you were doing, do you recall
15 whether Mr. Ray directed that you work with the
16 Dream Team members or other people?

17 **A. I only recall he said to ask any**
18 **questions you want of the Dream Team. And I did.**
19 **And the Dream Team generally encouraged us to go**
20 **back and keep writing. Just keep writing.**

21 **Q.** Do you know whether Mr. Ray directed some
22 participants or one in particular to work directly
23 with him on that issue?

24 **A. I don't recall. I recall asking him -- I**
25 **recall definitely being directed away from talking**

1 **to Mr. Ray and with the Dream Team preferably.**

2 **Q.** And who gave you that direction?

3 **A. Mr. Ray.**

4 **Q.** You were asked some questions about other
5 sweat lodges that you've done. Did you have any
6 reason to believe that the sweat lodge at Spiritual
7 Warrior would be any different from the other ones?

8 **A. No, I didn't. I thought it would be safe**
9 **and a spiritual experience.**

10 **Q.** You were asked if you were aware of
11 people coming in or leaving during the different
12 rounds of the sweat lodge.

13 **A. Correct.**

14 **Q.** Were you -- tell us what your mental
15 state was like, if you can, during the sweat lodge
16 ceremony.

17 **A. As I said earlier, I became more and more**
18 **weak and rather narrow focus and more concentrating**
19 **on my own experience and my own -- on myself.**

20 **Q.** Can you target any point in the event
21 where you felt like that narrow focus was starting
22 to affect your ability to perceive what was going
23 on around you?

24 **A. I would say at the beginning of -- I**
25 **remember there being a lot of rocks brought in at**

1 **the beginning and then a lot of water put on the**
2 **rocks. And the first breath that I took hurt my**
3 **lungs, hurt my throat.**

4 **And so I remember saying, this is going**
5 **to be a hot sweat. And so I breathed into my dress**
6 **rather than breathing the air, and so that was at**
7 **the very beginning, and I would say within two or**
8 **three rounds.**

9 **Mr. Li asked if I recollected people**
10 **leaving during the first round, the second round,**
11 **the third round coming back. I don't recall when**
12 **they left and came back or if they came back, but I**
13 **do recall people at the beginning leaving. I just**
14 **didn't recall which round it was.**

15 **Q.** Do you recall anyone in particular
16 leaving?

17 **A. I remember Mr. Lou Caci leaving because**
18 **he burned his arm and --**

19 **Q.** Do you know which round that was?

20 **A. I really don't. I think it might have**
21 **been -- I think it might have been the second or**
22 **third round. Because, like I say, I don't really**
23 **have a clear recollection of each round until we**
24 **were talking about it's the seventh round and there**
25 **is only two left. So it was some time early on.**

1 Q. You just said a moment ago that it seemed
2 like a lot of water was being poured on the rocks?
3 A. I did.
4 Q. In the previous lodges that you had done,
5 had you seen that amount of water poured on the
6 rocks?
7 A. No, I hadn't.
8 Q. How had you seen the water placed on
9 rocks in other lodges?
10 A. Most of my experience before, there was a
11 bucket next to the leader and a ladle or a cup or a
12 gourd, small gourd. It was usually one gourd sort
13 of spread around the rocks, and then steam would
14 rise, and then maybe a moment or two later another
15 cupful, gourd full, whatever, ladle full.
16 Q. You were asked what point after the
17 ceremony you started to feel better. You indicated
18 it was at the scene. Was that after you'd been
19 given something to drink?
20 A. "Feel better" is kind of a nebulous term.
21 I didn't feel that I was -- I didn't feel better.
22 I just didn't feel like I was dying. I felt like I
23 was alive. And then I would say I felt better
24 after I had something to drink.
25 Q. You mentioned that you were given an I.V.

1 by the paramedics?
2 A. Correct.
3 Q. Did that make you feel better?
4 A. Not immediately but eventually. I would
5 say between that time and the time I got to the
6 hospital, I felt not better, but less bad. And by
7 the time I left the hospital, I felt better.
8 Q. Mr. Li asked you about the construction
9 of some of the sweat lodges you've been in. How
10 were they constructed?
11 A. My understanding was that they were
12 always of natural materials: -- willow, bamboo, or
13 a hollow tube. Hair is a hollow tube. And my
14 understanding it has something to do with
15 direction, being a vessel to God, heaven, great
16 spirit. And so that the construction was always of
17 natural materials, including cloth on the lodge. I
18 had never seen a lodge with plastic on it.
19 Q. Is this the first lodge you'd seen with
20 tarps?
21 A. Plastic tarps. I'd seen canvass tarps,
22 but it's the first I'd ever seen with plastic
23 tarps.
24 Q. Do you recall -- you were asked in some
25 of the other lodges the preparations outside. Do

1 you recall if the other lodges had a way to cool
2 you down when you got outside?
3 A. Definitely.
4 Q. What way was used?
5 A. Most of the lodges I'd been in had either
6 been built by water, so that you were doused
7 afterwards either in a stream or with a bucket of
8 water.
9 I'm sorry. Ask your question again.
10 Q. I was asking what methods the other
11 lodges had to cool you down when you came outside.
12 A. I'm sorry. Thank you.
13 There was a -- there was always buckets
14 of water. Actually, there were garden hoses. In
15 my friend's house in her backyard, we had some
16 sweats. We always had a hose there to run over our
17 head to cool off.
18 Q. You mentioned your friend's house. Did
19 you pay \$10,000 to do a sweat lodge with anybody
20 else?
21 MR. LI: Objection, Your Honor, argumentative,
22 assumes facts not in evidence.
23 THE COURT: Sustained.
24 Q. BY MR. HUGHES: Had you paid anything in
25 the order of magnitude to go to the other lodges as

1 you did to attend Spiritual Warrior?
2 MR. LI: Same objection, Your Honor, and
3 relevance.
4 THE COURT: Overruled.
5 You may answer that.
6 THE WITNESS: My training and my experience,
7 these are spiritual experiences. They are not to
8 be charged for. It was always customary to bring a
9 gift of tobacco or sweet grass, some gift, but
10 never money.
11 Q. BY MR. HUGHES: Did you ever expect your
12 friends, for example, who did the sweat lodges to
13 have a artificial electronic defibrillator?
14 A. No, I did not.
15 Q. Did you expect them to have a nurse
16 outside?
17 A. No, I did not. There always was people
18 there to render aid. They weren't licensed people.
19 Q. You were asked about a lodge or maybe
20 several lodges where there was the
21 if-one-goes-we-all-go rule.
22 A. Correct.
23 Q. Do you remember how many lodges you went
24 in that had that rule?
25 A. Maybe 10 to 12.

1 Q. During those lodges did the leader of the
2 lodge cool the lodge down in between rounds?
3 A. Yes.
4 Q. How would he do that?
5 A. **Open the door, pass water around.**
6 Q. On those occasions did opening the door
7 cool the air inside?
8 A. **Since they were of a smaller diameter,**
9 **the air had more -- had less space to travel**
10 **through. I always felt air in other sweats.**
11 Q. Did the leader of those lodges check on
12 the participants in between rounds?
13 A. Yes.
14 Q. With respect to the leaders of the other
15 lodges, did you ever have a leader of another lodge
16 brag about how hot their lodge was?
17 MR. LI: Objection, Your Honor.
18 Argumentative.
19 THE COURT: Sustained.
20 Q. BY MR. HUGHES: Did you ever have a
21 leader of another lodge compare the heat in their
22 lodge to how others do it?
23 MR. LI: Objection, Your Honor. Relevance.
24 THE COURT: Overruled.
25 THE WITNESS: My understanding of a lodge is

1 that it's as hot as it needs to be for the
2 participants to have the experience that they are
3 intended to have. By that I mean I've never heard
4 anyone say -- what I've heard the leaders of other
5 sweats say is, I don't know how hot it's going to
6 be.
7 Sometimes it's -- as I said earlier, it
8 can be four rocks and it can be really hot. It can
9 be eight rocks and be comparatively cool. As far
10 as I know, that's way above my pay grade how that
11 works. I don't understand how that works. It's
12 been my experience that it's different.
13 Q. BY MR. HUGHES: And in those other lodges
14 where the heat was controlled by the rocks, was it
15 the leader that was controlling how many rocks
16 would come in?
17 A. **The leader always asked the fire keeper**
18 **for a certain number of rocks to be brought in.**
19 Q. And would the leader then have the
20 ability to gauge the heat inside before asking for
21 more rocks?
22 A. **I think so. Yes.**
23 MR. HUGHES: Thank you, Ms. Andresano. You've
24 been very patient.
25 THE WITNESS: You're welcome.

1 THE COURT: Any questions for this witness,
2 ladies and gentlemen?
3 (Sidebar conference.)
4 MR. LI: That's fine. No objections on No. 1.
5 No objection.
6 THE COURT: Mr. Hughes?
7 MR. HUGHES: I have no objection. They're
8 fine.
9 THE COURT: We'll ask them both. And I want
10 to ask the spelling of the name again.
11 (End of sidebar conference.)
12 THE COURT: Now that we have the mics active
13 again, would you spell your name again, please.
14 THE WITNESS: First and last or just last?
15 THE COURT: Last.
16 THE WITNESS: A-n-d-r-e-s-a-n-o.
17 THE COURT: And you pronounce it?
18 THE WITNESS: Andresano.
19 THE COURT: And the first jury question -- and
20 the lawyers may want to follow up. This is the
21 question: In the previous sweat lodges you
22 attended, were they as dark as the one at Spiritual
23 Warrior 2009?
24 THE WITNESS: Yes, they were.
25 THE COURT: Follow-up from Mr. Hughes?

1 MR. HUGHES: No, Your Honor.
2 THE COURT: Mr. Li?
3 MR. LI: No, Your Honor.
4 THE COURT: Upon your arrival at Angel Valley
5 on October 3rd, you mentioned that you went by the
6 sweat lodge on the way to your tent. Is this when
7 you observed that the sweat lodge's top layer was
8 made of cloth?
9 THE WITNESS: No, it's not.
10 THE COURT: Follow-up, Mr. Hughes.
11 FURTHER REDIRECT EXAMINATION
12 BY MR. HUGHES:
13 Q. Ma'am, could you tell us what you were
14 able to see on that first day about the lodge?
15 A. **I saw the frame of the structure before**
16 **there was anything put on it. I don't recall**
17 **exactly what it was made of. But for lack of a**
18 **better word, it was a skeleton. It was either**
19 **bamboo or willow layers of branches tied together.**
20 **And then between that time and the time we went in**
21 **is when it was covered.**
22 Q. At what point were you able to see what
23 it was covered with?
24 A. **Not until we went in.**
25 Q. And at that point could you see what the

1 top layer of the sweat lodge was covered with?

2 **A. It was a plastic tarp.**

3 **Q.** Thank you, ma'am.

4 THE COURT: Mr. Li.

5 RE CROSS-EXAMINATION

6 BY MR. LI:

7 **Q.** Ma'am, I'm sorry. When did you first
8 notice that the sweat lodge had a blue plastic
9 tarp?

10 **A. I don't know -- I don't recall a color of**
11 **it, but it was when we walked down to the sweat**
12 **lodge area.**

13 **Q.** Okay. And you know that there were some
14 of the folks that you gave a tip to, those were the
15 folks that had created the sweat lodge; right?

16 **A. That I gave a tip to?**

17 **Q.** Do you remember when -- you know -- like
18 three to \$5, everybody brought some money?

19 **A. No. I don't recall that.**

20 **Q.** But you recall the folks who made the
21 sweat lodge?

22 **A. We were introduced to the people who had**
23 **put the lodge together, and those were the people**
24 **that were helping me afterwards.**

25 **Q.** And they were the folks from Angel

1 Valley?

2 **A. That's my understanding. Yes.**

3 **Q.** In the other sweat lodge ceremonies you
4 attended, did the fire tender ever use treated wood
5 to heat the rocks?

6 **A. I'm not aware of that.**

7 MR. LI: Nothing further.

8 THE COURT: Thank you.

9 Counsel, may Ms. Andresano be excused as
10 a witness at this time?

11 MR. HUGHES: Your Honor, the state would
12 request that she remain subject to recall.

13 THE COURT: Okay.

14 Ms. Andresano, you will be excused from
15 the trial at this time. However, as Mr. Hughes has
16 just requested, you will remain subject to possible
17 recall. So the rule of exclusion of witnesses
18 applies to you in all aspects. If you had been
19 excused completely at this time, you would have
20 been permitted to stay in the courtroom. But you
21 can't do that now because you might be recalled.

22 Remember what I indicated. Don't
23 communicate in any way with any other witness about
24 the case or your testimony. Also avoid talking to
25 third parties you think might relay the information

1 on to somebody else you might know or something
2 like that who could be a witness. Also avoid any
3 kind of media exposure, anything like that.

4 Okay?

5 THE WITNESS: Yes, sir.

6 THE COURT: Thank you. You will be excused at
7 this time. You may step down.

8 THE WITNESS: Thank you.

9 THE COURT: Ladies and gentlemen, we will take
10 the weekend recess at this time, and I would like
11 to speak with you a bit about the admonition. Very
12 important that you not talk to anyone, including
13 each other, while the trial is in progress.

14 Ms. Rybar had indicated that apparently
15 there was some interest when there was a discussion
16 about quarts, gallons, and things like that. And
17 that points up an example that may not be the most
18 serious. But I don't want to get into what may be
19 a more serious problem with the admonition.

20 It needs to be followed in all aspects.
21 And I think Ms. Rybar had indicated to you that you
22 can't ask each other about that. You can't do
23 research on that. You can't go now and look on the
24 internet or even the old-fashioned way, an
25 encyclopedia or dictionary, and look up those

1 things. The evidence has to be presented here in
2 court. That's what you can consider.

3 Also someone apparently had a question
4 about the spelling of the name and whether or not
5 that couldn't just be something that could be
6 addressed with another juror. To be on the safe
7 side, no. I didn't happen to see that question.
8 But since it was mentioned to me, I went ahead and
9 asked that. You need to not talk about the case in
10 any way, not research it, not discuss it among
11 yourselves.

12 If you have questions, go ahead and just,
13 as you've been doing, give them to the bailiff.
14 And I can address them with the attorneys at a
15 later time.

16 So please remember all these things.
17 Just a reminder. Because of the internet, it makes
18 it so easy to look into things. You can't go
19 looking into what sweat lodges are all about, that
20 kind of thing, anything related to the case; any
21 person related to the case. You just have to avoid
22 those things completely.

23 So please take care. And you will now be
24 excused for the weekend recess. And next Tuesday
25 at 9:15, the normal time, I ask that you be

1 assembled at that time. So you are excused at this
2 point.

3 I'm going to ask the parties to remain.
4 (Proceedings continued outside presence
5 of jury.)

6 THE COURT: The record will show that the jury
7 has left. Mr. Ray and the attorneys are present.

8 Just a couple of things to catch up on.
9 When Ms. Rybar brings me a note, it goes in the
10 record. There is one today about a juror needing a
11 break or something, and we took a break. There was
12 one either the day before yesterday or the day
13 before. And it had to do with an observation that
14 a juror looked sleepy, juror falling asleep. And
15 we took a break right then. I just want to let you
16 know these notes are going in the record with my
17 own little note as to when it came in.

18 I just mentioned what Ms. Rybar had
19 indicated to me that apparently there was some
20 interest in, Mr. Li, your question about how many
21 pints in a quart, quarts in a gallon, or
22 whatever -- you know. And they were looking
23 around. And Ms. Rybar provided the reminder, you
24 can't do this.

25 And then also mentioning somebody coming

1 up and said, can't I ask another juror about how to
2 spell the witness's name?

3 And she said, no. Questions go through
4 the channels.

5 So I just wanted to put that on the
6 record.

7 (End of partial transcript.)

1 STATE OF ARIZONA)
2 COUNTY OF YAVAPAI) ss. REPORTER'S CERTIFICATE

3
4 I, Mina G Hunt, do hereby certify that I
5 am a Certified Reporter within the State of Arizona
6 and Certified Shorthand Reporter in California

7 I further certify that these proceedings
8 were taken in shorthand by me at the time and place
9 herein set forth, and were thereafter reduced to
10 typewritten form, and that the foregoing
11 constitutes a true and correct transcript

12 I further certify that I am not related
13 to, employed by, nor of counsel for any of the
14 parties or attorneys herein, nor otherwise
15 interested in the result of the within action.

16 In witness whereof, I have affixed my
17 signature this 5th day of April, 2011

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MINA G HUNT, AZ CR No. 50619
CA CSR No 8335

1 STATE OF ARIZONA)
2) ss: REPORTER'S CERTIFICATE
3 COUNTY OF YAVAPAI)

4 I, Mina G. Hunt, do hereby certify that I
5 am a Certified Reporter within the State of Arizona
6 and Certified Shorthand Reporter in California.

7 I further certify that these proceedings
8 were taken in shorthand by me at the time and place
9 herein set forth, and were thereafter reduced to
10 typewritten form, and that the foregoing
11 constitutes a true and correct transcript.

12 I further certify that I am not related
13 to, employed by, nor of counsel for any of the
14 parties or attorneys herein, nor otherwise
15 interested in the result of the within action.

16 In witness whereof, I have affixed my
17 signature this 5th day of April, 2011.

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24 MINA G. HUNT, AZ CR No. 50619
25 CA CSR No. 8335